



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 7650 of 2024

Neeraj @ Shani

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s) : Abhishek Kumar Saroj, Anil Kumar Saroj, Nagendra Bahadur Singh, Vindeshwari Prasad
Counsel for Respondent(s) : G.A., Manendra Kumar Agrahari, Raj Kumar Mishra

Court No. - 93

HON'BLE MRS. VANI RANJAN AGRAWAL, J.

Order on Bail/Suspension of Sentence Application u/s 389(1) Cr.P.C

1. Heard Nagendra Bahadur Singh, learned counsel for appellant/applicant; Sri Raj Kumar Mishra, learned counsel for the opposite party and Sri Jai Prakash Tripathi, learned AGA for State.

2. This Criminal appeal under Section 374 (2) of the Criminal Procedure Code has been preferred against the orders dated 9.7.2024 and 10.7.2024, passed by learned Additional Sessions Judge First, Jaunpur in Sessions Trial No.219 of 2016 (State vs. Rajkumar) arising out of Case Crime No.27 of 2016, under Sections 304/34, 323/34, 504 I.P.C., Police Station- Barsati, District- Jaunpur.

3. By means of this application, the appellant-applicant seeks suspension of sentence and grant of bail.

4. It has been submitted by learned counsel for the appellant-applicant that the appellant is innocent and has been falsely implicated. It has been further submitted that the conviction and sentence imposed by the learned trial court is against the weight of evidence on record. The trial court has misread the evidence on record and convicted the appellant. The prosecution has not been able to prove its case beyond reasonable doubt. It is further submitted that the first information report is delayed for which no plausible explanation has been given. It is further submitted that the maximum sentence awarded to the appellant is ten years R.I. out of which appellant has already served out more than five years in jail. It is further submitted that the appellant has no criminal history. Since there is no likelihood of early hearing of the

appeal in near future, the appellant may be released on bail pending appeal. Besides the above submissions, learned counsel for the appellant has also tried to touch upon at length the circumstances which led to the false implication of accused - appellant.

5. On the other hand, learned counsel for the complainant and learned AGA vehemently opposed the bail application.

6. I have considered the rival submissions made by learned counsel for the parties and have gone through the entire record including the impugned judgment.

7. Having regard to the facts and circumstances of the case, sentence awarded to the appellant, the evidence available on record and the findings recorded by the trial court thereon and considering the period of incarceration of the appellant, without further commenting on the merits of the case, I am inclined to release the appellant on bail.

8. Let the applicant/appellant namely **Neeraj @ Shani** be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the following conditions :-

(i) The appellant/applicant shall cooperate in the early disposal of appeal without seeking any adjournment.

(ii) The appellant/applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

(iii) The appellant/applicant shall deposit the entire amount of fine imposed against him by the learned trial court vide impugned judgment and orders dated 9.7.2024 and 10.7.2024 passed by the learned trial Court within a period of four weeks from the date he is released on bail under this order.

9. In case of breach of any of the above conditions, the bail granted to applicant-appellant under this order shall stand automatically cancelled and he shall be taken into custody at once to serve out the sentence awarded by trial Court.

10. The sentence awarded to applicant-appellant shall also remain suspended during the pendency of this appeal.

11. On acceptance of bail bond and personal bonds, the lower court shall transmit photostat copies thereof to this Court for being kept on record.

Order on Appeal

12. Office report dated 20.1.2025 shows that the trial Court record has been received in Criminal Appeal No.7188 of 2024.

13. List this appeal for hearing in due course.

May 11, 2026

Dev

(Mrs. Vani Ranjan Agrawal,J.)