



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 6994 of 2025

Chandrapal And 2 Others

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	: Jagat Narayan Mishra, Shashi Kant Shukla
Counsel for Respondent(s)	: G.A.

Court No. - 42

HON'BLE SIDDHARTHA VARMA, J.

HON'BLE JAI KRISHNA UPADHYAY, J.

Criminal Misc. (Suspension of Sentence) Application No. 1 of 2025

1. Heard Sri Shashi Kant Shukla assisted by Sri Jagat Narayan Mishra learned counsel for the appellants and learned A.G.A. appearing for the State.
2. The instant application has been filed under Section 430(1) of BNSS to suspend the sentence of conviction and to release the applicants on bail in Sessions Trial No. 163 of 2018 arising out of Case Crime No. 43 of 2018, under Sections 302/34 of Indian Penal Code, Police Station - Maudaha, District - Hamirpur.
3. It is the contention of learned counsel for the appellants that a bare reading of the first information report itself shows that there was no premeditated action on the part of the accused. Everything happened on the spur of the moment. Learned counsel for the appellants were on bail during trial and they have never misused the liberty of bail. It is also submitted that the appellants have no criminal history. Still further, learned counsel for the appellant submits that since the appeal is not likely to be heard and decided expeditiously in the near future, the applicant is, therefore, entitled to be released on bail.
4. In rebuttal, learned AGA has opposed the bail application but he could not deny the facts that the appellants have no criminal history.

5. We have perused the judgement of the lower court with the assistance of the learned counsel for the parties. We are of the view that since the bare reading of the first information report does not disclose primary offence under Section 302 IPC and because the appellants have no criminal history, they be released on bail.

6. Consequently, the prayer for bail is accepted. The bail application is allowed.

7. Without expressing any opinion on the merit of the case, let the applicants - **Chandrapal, Ramu and Pancha**, convicted and sentenced in the aforesaid case, be released on bail on their furnishing personal bonds with two sureties each in the like amount to the satisfaction of the court concerned.

8. The realization of fine shall remain stayed till the decision of the appeal.

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

Order on Appeal :

10. List this appeal on 7.9.2026 hearing.

March 28, 2026
PK

(Jai Krishna Upadhyay,J.) (Siddhartha Varma,J.)