



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 7325 of 2025

Amit Alias Toni

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Bipin Kumar, Jai Prakash
Counsel for Respondent(s)	:	G.A.

Court No. - 92

HON'BLE JAI PRAKASH TIWARI, J.

Order on Criminal Misc. Bail (Suspension of Sentence) Application

The present case has been taken up out of turn on the mention made by learned counsel for the applicant/appellant.

As per office report dated 9.10.2025 and also as per learned AGA, notice upon O.P. No.4/ informant could not be served, as he is not residing at the address mentioned therein.

Heard learned counsel for the appellant, learned A.G.A. for the State and perused the record.

This criminal appeal under Section 415(2) of B.N.S.S. has been preferred with prayer to allow the application and release the appellant on bail, suspend the sentence of the appellant in Special Criminal Case No. 33 of 2015, (State Versus Amit @ Toni) arising out of Case Crime No. 1718 of 2014 under Sections 376(2)(i), 342 IPC, Police Station Indirapura, District Ghaziabad arising out of judgment and order dated 31.7.2025 passed by Additional District and Sessions Judge/ Special Judge, (POCSO Act), Court No.2, Ghaziabad, whereby the appellant has been awarded the maximum sentence of ten years' rigorous imprisonment and a fine of Rs. 26,000/- with default stipulation and further prays to stay realization of fine during the pendency of appeal.

Learned counsel for the appellant submits that applicant is innocent and has been falsely implicated in the present case. Further, the learned trial court did not appreciate the evidence on record in proper way but convicted and sentenced the appellant for a maximum period of ten years

imprisonment with fine. Further, allegation made by prosecution does not find support from the medical report. Further, it is a dispute arose between tenant and landlord. Further, appellant has already served more than seven and half years of sentence. Judgment and order passed by learned trial court is based on conjectures and surmises and absolutely there is no evidence against the appellant. Since hearing of appeal is also not likely to be completed in near future, therefore, request to release the appellant on bail during the pendency of appeal.

Per contra, learned AGA has opposed the prayer for bail of the appellant.

Having considered the rival submissions made by learned counsel for the parties and on perusal of the record, it is evident that maximum sentence awarded to the appellant is for a period of ten years and appellant has already undergone more than seven and half years and the final disposal of the appeal likely to take time, as such, the appellant has made out a case for bail.

The prayer for bail is accordingly **allowed**.

Let the appellant- **Amit Alias Toni** be released on bail in the aforementioned case crime number during pendency of this appeal on furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concerned.

On acceptance of bail bonds, the court below shall transmit the xerox copies thereof to this Court for being kept on record.

Realization of entire fine shall be deposited by the appellant within one month from the date of his release before the Court below.

Order on Appeal

List in due course.

(Jai Prakash Tiwari,J.)

January 16, 2026
KK Patel