



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 7507 of 2025

Rakesh

.....Appellant(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Mahendra Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 92

HON'BLE JAI PRAKASH TIWARI, J.

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

Counter affidavit filed today in the Court by learned AGA on behalf of the State. The same is taken on record.

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 Session Case No. 451 of 2021, (State Versus Rakesh) arising out of Case Crime No.128 of 2021 under Sections 376/511, 354B IPC and Section 9M/10, 11(i)/12 POCSO Act, 2012, Police Station Bilsa, District Budaun, arising out of judgment and order dated 17.07.2025 passed by Additional Sessions Judge/ Special Judge, (POCSO Act), Budaun whereby the appellant has been awarded the maximum sentence of seven years' rigorous imprisonment and a fine of Rs.47,000/- 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 seven years imprisonment with fine. It is further submitted that there is no internal and external injury found in the medical report. Appellant ready

to deposit 50% of fine imposed upon him within one month of release. Further, appellant was on bail during the pendency of trial and did not misuse the liberty of bail. 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 only for a period of seven years. It is seen from the Custody Certificate that the appellant has spent more than 2 years of actual period of sentence in jail and the final disposal of the appeal will 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- **Rakesh** be released on bail in the aforementioned case crime number on their furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concerned subject to deposition of entire amount of fine, if not already deposited.

Realization of fine, to the extent of 50% shall remain stayed and remaining 50% of the amount of fine shall be deposited by the appellant within one month from the date of his release before the Court below.

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

Order on Appeal

List in due course.

(Jai Prakash Tiwari,J.)

January 8, 2026
S.K.