



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 8460 of 2025

Smt. Usha Devi

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Vinay Kumar
Counsel for Respondent(s)	:	G.A.

Court No. - 42

**HON'BLE SIDDHARTHA VARMA, J.
HON'BLE PRASHANT MISHRA-I, J.**

Criminal Misc. Short Term/Interim Bail (Parole) Application No.3 of 2026:

1. Learned counsel for the applicant prays that the instant application be dismissed as not pressed.
2. Learned AGA has no objection.
3. The application is accordingly dismissed as not pressed.

Criminal Misc. Application for Suspension of Sentence (Bail) No.01 of 2025:

1. Heard learned counsel for the applicant and learned A.G.A. appearing for the State.
2. The instant application has been filed under Section 430 of BNSS to suspend the sentence of conviction and to release the applicant on bail in Sessions Trial No.154 of 2015 arising out of Case Crime No.10 of 2015, under Sections 302 and 201 of Indian Penal Code, Police Station - Ghiror, District - Mainpuri.
3. It is the contention of learned counsel for the appellant that the appellant-applicant is innocent and has been falsely implicated in the case. Learned counsel states that the applicant is a 65 years old lady and has no criminal history. It is also stated that the instant case is of circumstantial evidence and

that whether the conviction was correct would be looked into at the time of final hearing. Learned counsel for the appellant further states that the applicant is suffering from heart ailment and keeping her in custody could make her condition worse. Learned counsel also submits that the applicant was on bail during trial but she had never misused the liberty of bail. 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 applicant has no criminal history and that she was on bail during trial but had never misused the liberty of bail.

5. We have perused the judgement of the trial court with the assistance of the learned counsel for the parties.

6. Having heard learned counsel for the parties, we find that the applicant has no criminal history. We also find that the applicant was on bail during trial but had never misused the liberty of bail. It is also found that the case is of circumstantial evidence. We are, therefore, of the opinion that the sentence awarded by the trial court be kept in abeyance in respect of applicant and the applicant be enlarged on bail.

7. Consequently, the prayer for bail is granted. The bail application is allowed.

8. Without expressing any opinion on the merit of the case, let the applicant- **Usha Devi**, convicted and sentenced in the aforesaid case, be released on bail on his furnishing personal bonds with two sureties each in the like amount to the satisfaction of the court concerned.

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

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

Order on Appeal :

11. Order sheet indicates that trial court record has not been received. Office

to send a reminder to this effect. After receiving the trial court record, paper book may be prepared and thereafter learned counsel for the parties may obtain their copies of the paper book from the office.

12. List this appeal on 20.8.2026 for final hearing.

(Prashant Mishra-I,J.) (Siddhartha Varma,J.)

March 17, 2026
GS