



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 8601 of 2025

Shankar Lal

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

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

Court No. - 53

HON'BLE SUBHASH CHANDRA SHARMA, J.

Order on appeal

As per office report, trial court record has not been received in the office.

Let reminder be sent to the learned trial court for summoning the trial court record.

List this case on 08.01.2026.

Order on Criminal Misc. (Suspension of Sentence) Application

Counter affidavit/objection filed today by learned A.G.A. is taken on record.

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

This criminal appeal has been preferred with the prayer to suspend the sentence and to release the appellant on bail in Session Case No. 152 of 2014 (State Vs. Shankar Lal) arising out of Case Crime No. 319 of 2013, under Section 376 IPC, P.S. Kyolodiya, District Bareilly during pendency of present appeal.

It is submitted by learned counsel for the appellant that in this case, the appellant is innocent and has been falsely implicated for committing rape with the victim who was aged about 60 years in the garden where her son-in-law was also present. No any internal or external injury was found on the person of the victim, even D.N.A. was also not done. Only on the basis of semen found on her peticot, the learned trial court has convicted and

sentenced the appellant. There is no any evidence on record to support the allegation of rape with her by the appellant. He is languishing in jail since 08.08.2025. Judgment and order passed by the learned trial court is based on conjectures and surmises and absolutely there is no evidence against the appellant. The appellant was on bail during trial and the appeal is likely to take some time for final disposal, therefore, request that the appellant be released on bail.

Learned A.G.A. opposed the prayer as aforesaid and contended that in the night the victim and her son-in-law were in the garden for the purpose of watching crop. The appellant went there with other co-accused persons and tied the son-in-law with the tree and then committed rape with the victim. Her clothes were taken into possession by the Investigating Officer and sent for examination in F.S.L. and sperms on her peticot were found. There is no any error in passing the judgment by the learned trial court.

Considering the facts and circumstances of the case in particular the nature of evidence adduced by the parties, allegation made by the victim that is supported with F.S.L. report, there appears no ground to release the appellant on bail.

Accordingly, the application for suspension of sentence is hereby ***rejected*** at this stage.

November 19, 2025
Anurag Singh

(Subhash Chandra Sharma,J.)