



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 11227 of 2025

Vijendra Alias Vijju

.....Appellant(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Appellant(s) : Mohammad Haadi Zaidi, Zia Naz Zaidi
Counsel for Respondent(s) : G.A., Shiv Pratap Singh Chauhan

Court No. - 42

HON'BLE SIDDHARTHA VARMA, J.

HON'BLE JAI KRISHNA UPADHYAY, J.

Ref: Criminal Misc. Suspension of Sentence Application No. 01 of 2024.

1. Heard Ms. Zia Naz Zaidi, learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The instant application has been filed under Section 389 of Cr.P.C. to suspend the sentence of conviction and to release the applicant on bail in PST No. 383 of 2016 (State of UP Vs. Vijendra @ Vijju) arising out of Case Crime No. 79 of 2016, under Sections 302, 376, 201 of IPC and 3/4 POCSO Act, Police Station - Narkhi, District - Firozabad.
3. The sole ground on the basis of which the prayer for bail has been made is that the applicant is in jail for 10 years and 3 months. It is submitted that the applicant has no criminal history. Learned counsel for the applicant has placed reliance on the decisions of the Supreme Court rendered in **Saudan Singh Vs. State of UP** decided on 25.02.2022 in Criminal Appeal No. 308 of 2022 and SLP (Crl) No. 4633 of 2022 and **Suleman Vs. State of UP:** Criminal Appeal No. 491 of 2022 decided on 09.05.2022.
4. Sri Shiv Pratap Singh Chauhan, learned counsel for the informant opposed the bail application and submitted that the applicant was convicted on account of gruesome rape and murder.
5. Learned AGA as well as learned counsel for the informant opposed the bail application but could not deny the fact that the applicant had remained in jail for 10 years 3 months and his case is covered by the judgment of

Supreme Court rendered rendered in **Saudan Singh Vs. State of UP** (Supra).

6. Having heard learned counsel for the parties, we find that the applicant has no criminal history, and the applicant had remained in jail for 10 years 3 months and considering that case of the applicant is covered by **Saudan Singh's** case (Supra), we are of the opinion that the sentence awarded by the trial court be kept in abeyance in respect of the applicant and he 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- **Vijendra @ Vijju** 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. Compensation as were required to be paid by the applicant be paid within a period of two months and remaining part of the fine as to be paid shall remain stayed.

10. 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.

11. Office to inform the concerned Jail Superintendent through Chief Judicial Magistrate concerned to ensure compliance of the order.

Order on Appeal

12. Order sheet indicates that Trial Court Record has been received.

13. Office to prepare paper book. Learned counsel for the parties may obtain their copies of the paper book from the office.

14. List this appeal on 18.11.2026 for final hearing.

May 7, 2026
S.K.S.

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