



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 9407 of 2025

Munesh Kumar
.....Appellant(s)
Versus
State of U.P.
.....Respondent(s)

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

Court No. - 42

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

Criminal Misc. Bail/Suspension of Sentence Application No. Nil of 2025.

1. Heard learned counsel for the applicant and the learned A.G.A. appearing for the State.
2. The instant application has been filed under Section 389 Cr.P.C. to suspend the sentence of conviction and to release the applicant on bail in Sessions Trial No.180 of 2007 (State of U.P. Vs. Munesh Kumar and Others) arising out of Case Crime No. 315 of 2006, under Sections 302/34 I.P.C, Police Station - Kotwali, District- Mainpuri.
3. Contention of learned counsel for the applicant is that the appellant-applicant is innocent and has been falsely implicated in the case. It has been submitted that the other co-accused persons, namely Dheeraj, Guddu, and Neeraj, had died during the trial. Learned counsel for the appellant states that no specific role was assigned to the applicant. It is further submitted that as of today, the applicant is more than 70 years of age. It is further submitted that the applicant has no criminal history and that he was on bail during trial, but he never misused the liberty of bail.
4. Learned counsel for the applicant has placed reliance on the decisions of **Anil Ari vs. State of West Bengal rendered in AIR 2009 SC 1564 dated 9.2.2009** and has submitted that the applicant has remained in jail for a fairly long time and, therefore, he should be released on bail.
5. In rebuttal, learned AGA has opposed the bail application but could not deny the fact that the applicant is aged about 70 years old and was on bail during the trial but he never misused the liberty of bail.
6. Keeping in mind the above arguments/reasons, we are of the view that the law laid down by the Apex Court in Anil Ari vs. State of West Bengal reported in AIR 2009 SC 1564 would be fully applicable in the case of the appellant. We are also of the

view that the appellant be released on bail as he has no criminal history and that he never misused the liberty of bail.

7. Consequently, the prayer for bail is granted. The bail applications are **allowed**.

8. Without expressing any opinion on the merit of the case, let the applicant- **Munesh Kumar** 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 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. Office is directed to prepare the paper book if is not ready.

13. List this case on 12.10.2026 for final hearing before the appropriate bench.

March 19, 2026
vijay krishna

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