

Allahabad High Court

Deshai & Others vs State Of U.P. on 4 February, 2010

Court No. - 43

Case :- CRIMINAL APPEAL No. - 572 of 2010

Petitioner :- Deshai & Others

Respondent :- State Of U.P.

Petitioner Counsel :- L.B. Yadav

Respondent Counsel :- Govt. Advocate

Hon'ble Vinod Prasad,J.

Heard learned counsel for the appellants and the learned A.G.A. Admit.

Summon the trial court record.

The appellants have been convicted in S.T. No.248 of 2005 for offences under sections 323, 308, 504, and 506 I.P.C. and the maximum sentence awarded to them is 3 years RI. The rest of the sentences are lesser sentences and all the sentences have been ordered to run concurrently. On the bail prayer of the appellants and suspension of sentence under Section 389 Cr.P.C. it is submitted by the counsel for the appellants that the appellants were on bail during the trial and the have not misused the liberty of bail. He further contended that the appeal is not likely to be heard in near future and the appellants are on interim bail.

Learned AGA could not dispute the said fact.

Without expressing any opinion on merit, let appellants, Dashai, Sonu, Rajesh and Suresh be enlarged on bail on their furnishing a personal bond of Rs. 1 lac with two sureties each in the like amount to the satisfaction of trial Judge concerned in the above sessions trial for above offence. As soon as personal and surety bonds are furnished, photocopies of the same are directed to be transmitted to this Court forthwith by trial Judge concerned to be kept on the record of this appeal.

The appellants are allowed one month time to deposit half of the amount of fine awarded to them. Rest half of the amount of fine shall remain stayed during the pendency of this appeal in this court.

Order Date :- 4.2.2010 PKC