**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL APPEAL No. - 8186 of 2026**

Kailash

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

| | | |
|---|---|---|
| Counsel for Appellant(s) | : | Rajesh Pandey |
| Counsel for Respondent(s) | : | G.A. |

**Court No. - 90**

**HON'BLE MRS. VANI RANJAN AGRAWAL, J.**

**Order on Bail/Suspension of Sentence Application:-**

1. Heard Sri Rajesh Pandey, learned counsel for appellant/applicant and Sri Rahul Asthana, learned AGA for State.

2. Office report dated 18.9.2026 shows that the notice has been served upon opposite party no.2 personally. Despite service of notice none appeared on behalf of the opposite party even in the revised reading of the list.

3. This Criminal appeal under Section 14A(1) of SC/ST Act has been preferred against the order dated 22.7.2026, passed by learned Special Judge SC/ST Act, Moradabad in Session Trial No.391 of 2010 (State vs. Shyam Singh and Others) arising out of Case Crime No.610 of 2006, under Sections 323/34, 325/34, 452, 504, 506 I.P.C. and Section 3(1)X of the SC/ST Act, Police Station- Bahjoi, District- Moradabad (Now Sambhal).

4. By means of this application, the appellant-applicant seeks suspension of sentence and grant of bail.

5. It has been submitted by learned counsel for the appellant-applicant that the appellant is innocent and has been falsely implicated in the present case due to enmity of election and village party bandi. It has been further submitted that the conviction and sentence imposed by the learned trial court is against the weight of evidence on record. The trial court has misread the evidence on record and convicted the appellant. The prosecution has not been able to prove its case beyond reasonable doubt. It is further submitted that in the first information report no allegation regarding abusing or caste relating slurring has been levelled against the appellant. It is further submitted that first information report of the incident is delayed for which no

plausible explanation has been given, which itself falsify the prosecution story. It is further submitted that the injury report of the injured is manufactured. It is further submitted that no incriminating article has been recovered from the possession of the appellant. It is further submitted that the appellant was on bail during trial and has never misused the liberty of bail. It is further submitted that the appellant has criminal history which have been detailed in paragraph no.22 of this application. It is further submitted that the appellant is in jail since 22.7.2026. Since there is no likelihood of early hearing of the appeal in near future, the appellant may be released on bail pending appeal. Besides the above submissions, learned counsel for the appellant has also tried to touch upon at length the circumstances which led to the false implication of accused - appellant.

6. On the other hand, learned AGA vehemently opposed the bail application.

7. I have considered the rival submissions made by learned counsel for the parties and have gone through the entire record including the impugned judgment.

8. Having regard to the facts and circumstances of the case, sentence awarded to the appellant, the evidence available on record and the findings recorded by the trial court thereon and considering the period of incarceration of the appellant, without further commenting on the merits of the case, I am inclined to release the appellant on bail.

9. Let the applicant/appellant namely **Kailash** be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the following conditions :-

(i) The appellant/applicant shall cooperate in the early disposal of appeal without seeking any adjournment.

(ii) The appellant/applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

(iii) The appellant/applicant shall deposit the half amount of fine imposed against him by the learned trial court vide impugned judgment and order dated 22.7.2026 passed by the learned trial Court within a period of four weeks from the date he is released on bail under this order.

10. In case of breach of any of the above conditions, the bail granted to applicant-appellant under this order shall stand automatically cancelled and he shall be taken into custody at once to serve out the sentence awarded by

trial Court.

11. The sentence awarded to applicant-appellant shall also remain suspended during the pendency of this appeal.

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

**Order on Appeal**

13. Office report dated 18.9.2026 shows that the trial Court record has been received.

14. List this appeal for hearing in due course before appropriate Court.

**October 6, 2026**
LN Tripathi

**(Mrs. Vani Ranjan Agrawal,J.)**

Digitally signed by :-
LALIT TRIPATHI
High Court of Judicature at Allahabad