

(2009) 05 AHC CK 0102

Allahabad High Court

Case No: None

Raj Kumar

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision: May 4, 2009

Hon'ble Judges: Alok Kumar Singh, J

Final Decision: Disposed Of

Judgement

Alok K. Singh, J.

Heard.

Admit.

Call for the lower court record.

List for hearing on its turn after the record is received.

Heard learned counsel for the appellants and learned A.G.A. on the prayer for bail.

The appellants have been convicted and sentenced in Sessions Trial No. 125 of 2004 as under

1.Under Section 323/34 I.P.C.Six months" R.I. with a fine of Rs.500/ each.

2.Under Section 3 (1) (X) S.C./S.T. Act Two years" R.I. with a fine of Rs.5000/ each.

It is submitted that punishment is not severe and the nature of accusation is also not very grave. During trial they were on bail which they never misused. Presently they are on interim bail. It is also submitted that speedy justice is a fundamental right but the appeal may take a couple of years or even more in its final disposal. The appellants have every hope of success in the appeal.

The bail is, however, opposed by learned A.G.A.

In view of the aforesaid facts and circumstances and without entering into merits of the case, I find it to be a fit case for granting bail. Let the appellants (Raj Kumar, Satish Kumar and Pawan Kumar) be enlarged on bail on their furnishing personal bonds and two sureties each in the like amount to the satisfaction of the Magistrate/court concerned.

However, the fine is not stayed. Let the same be deposited within two months from the date of their release, if not already deposited. Subject to the above the sentence of imprisonment shall remain suspended during the pendency of the appeal.