

(2009) 05 AHC CK 0163**Allahabad High Court****Case No:** None

Madhav Prasad alias Phool

APPELLANT

Chandra Yadav

Vs

State of U.P.

RESPONDENT

Date of Decision: May 7, 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 appellant and learned A.G.A. on the prayer for bail.

The appellant has been convicted and sentenced in Sessions Trial No.355 of 2008 as under

1.Under Section 354 I.P.C.One year"s R.I.

It is submitted that the severity of punishment is not much and the nature of accusation is also not very grave. During trial he was on bail which he never misused. Presently he is 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 appellant has 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 appellant (Madhav Prasad

alias Phool Chandra Yadav) be enlarged on bail on his furnishing a personal bond and two sureties in the like amount to the satisfaction of the Magistrate/court concerned.

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