

**(2009) 05 AHC CK 0202**

**Allahabad High Court**

**Case No:** None

Amar Nath

APPELLANT

Vs

State of U.P.

RESPONDENT

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**Date of Decision:** May 15, 2009

**Hon'ble Judges:** Alok Kumar Singh, J

**Final Decision:** Disposed Of

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### **Judgement**

Alok K. Singh, J.

Heard.

Admit.

Call for the lower court record.

List the appeal for hearing on its turn when 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.881 of 2004 as under

- 1.Under Section 323/34 I.P.C.Six months" R.I. with a fine of Rs.100/ each.
- 2.Under Section 504 I.P.C.One year"s R.I. with a fine of Rs.200/ each.
- 3.Under Section 3 (1) (X) S.C./S.T. ActOne year"s R.I. with a fine of Rs.200/ each.

It is submitted that the severity of punishment is not much and the nature of accusation is also not very serious. All the appellants were on bail during trial which they did not misuse. 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 (Amar Nath, Ram Chakker and Vasudev) 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 one month 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.