

Sarvesh and Others Vs State of U.P.

Court: Allahabad High Court (Lucknow Bench)

Date of Decision: April 22, 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.342 of 2006 as under

1.Under Section 498A I.P.C.Two years" R.I. with a fine of Rs.2000/ each.

2.Under Section 3/4 D.P. ActOne year"s R.I. with a fine of Rs.1000/ 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 (Sarvesh, Badki and Lalla) 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.