

Raj Kumar and others Vs State of U.P.

Court: Allahabad High Court (Lucknow Bench)

Date of Decision: April 8, 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.637 of 1997 as under

- 1.Under Section 147 I.P.C. One year"s imprisonment with a fine of Rs.200/ each.
- 2.Under Section 452/149 I.P.C.One year"s imprisonment with a fine of Rs.200/ each.
- 3.Under Section 323/149 I.P.C.One year"s imprisonment with a fine of Rs.200/ each.
- 4.Under Section 504 I.P.C.One year"s imprisonment with a fine of Rs.200/ each.
- 5.Under Section 506 I.P.C.One year"s imprisonment with a fine of Rs.200/ each.
- 6.Under Section 325/149 I.P.C.Three years" imprisonment with a fine of Rs.200/ each.
- 7.Under Section 3 (1) (X) S.C./S.T. ActOne year"s imprisonment with a fine of Rs.200/ each.

It is submitted that the severity of punishment is not much. It is further submitted that the nature of accusation is also not very serious. 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, Shiv Kumar, Ram Kumar, Hanesh Kumar, Bhullar alias Sahab Saran, Chandrawati, Savitri and Rama) 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.