

(2011) 09 AHC CK 0350

Allahabad High Court

Case No: Criminal Appeal No. 3032 of 2010

Ravi Kashyap @ Pinku

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision: Sept. 21, 2011

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 389
- Penal Code, 1860 (IPC) - Section 201, 302, 34, 404

Hon'ble Judges: Sudhir Kumar Saxena, J; Abdul Mateen, J

Bench: Division Bench

Final Decision: Allowed

Judgement

1. Heard learned Counsel for the Appellant and learned Additional Government Advocate on this application for bail moved u/s 389 Code of Criminal Procedure in appeal.

2. The Appellant has been convicted by learned Additional Sessions Judge, Court No. 2, Gonda vide judgment and order dated 02.11.2010 passed in Sessions Trial No. 111 of 2006, under Sections 302/34, 201/34 and 404/34 Indian Penal Code and sentenced for a maximum term of life imprisonment with fine stipulation.

3. We have gone through the judgment as well as record of lower court.

4. It is admitted to the learned Counsel for the parties that the case rests on circumstantial evidence.

5. Learned Counsel for the Appellant has taken us through the prosecution evidence and has argued that the chain of circumstances led by the prosecution is not complete and the evidence on record does not unerringly establish that the circumstances proved lead to one and the only conclusion towards the guilty of the accused. He, thus, argued that in the facts and circumstances of the case, the Appellant is entitled to be enlarged on bail during pendency of the appeal.

6. Learned Additional Government Advocate could not argue anything to dislodge the submissions of the learned Counsel for the Appellant.
7. Having gone through the prosecution evidence and having given our anxious consideration to the entire facts and circumstances of the case, we are of the view that the Appellant may be enlarged on bail.
8. Let Appellant Ravi Kashyap alias Pinku, convict of above mentioned Sessions Trial, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the learned Chief Judicial Magistrate, Gonda.
9. Realization of half of the fine is stayed. Remaining half fine shall be deposited by the Appellant within one month from the date of his release on bail.
10. Learned Magistrate shall transmit to this Court photo copies of the bail and surety bonds furnished by the Appellant to be preserved in the appeal.