

(2011) 09 AHC CK 0381**Allahabad High Court****Case No:** Criminal Appeal No. 2479 of 2011

Pappu @ Suresh

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision: Sept. 21, 2011**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 374

Hon'ble Judges: Kant Tripathi, J**Bench:** Single Bench**Final Decision:** Allowed**Judgement**

Shri Kant Tripathi, J.

Heard the Learned Counsel for the Appellant and the learned A.G.A. for the State and perused the judgment and order dated 23.02.2011 passed by Additional Sessions Judge/ F.T.C. No. 25, Allahabad in S.T. No. 211 (State of U.P. v. Pappu alias Suresh) arising out of Crime No. 863 of 1992, Police Station-Naini, Allahabad.

2. Learned Counsel for the Appellant submitted that the co-accused Rakesh Bhujwa having similar role has already been enlarged on bail by this Court vide order dated 04.08.2011 rendered in Criminal Appeal No. 1503 of 2011, therefore, the Appellant is also entitled to bail on the ground of parity. Learned Counsel for the Appellant further submitted that the injured sustained injuries on non vital parts. It was also submitted that there were five persons including the Appellant and each of them threw a country made bomb. Three injuries were found, therefore, involvement of all the five persons was doubtful. The maximum sentence imposed on the Appellant is of five years rigorous imprisonment. It was next submitted that the Appellant was on bail during the trial and never abused the same. He is presently in jail from 23.2.2011 and if the Appellant is not released on bail, the appeal would, in due course, become infructuous as there is No. hope of an early hearing of the appeal due to heavy dockets.

3. In my opinion, *prima facie*, the aforesaid submissions of the Learned Counsel for the applicants have substance, therefore, it is just and expedient to exercise the discretion in favour of the Appellant.

4. Keeping in view the entire facts and circumstances of the case and submission of the Learned Counsel for the Appellant and the learned A.G.A., the Appellant Pappu @ Suresh, who has been convicted and sentenced in the aforesaid sessions trial, is released on bail, during the pendency of the appeal, on his furnishing a personal bonds and two sureties each in the like amount to the satisfaction of the court concerned.

5. The realization of half of the fine shall remain stayed during pendency of the appeal, provided the Appellant deposit half of the fine within one month.

6. On acceptance of bail bond and personal bond, the lower court shall transmit photostat copies thereof to this Court for being kept on the record of this appeal.

7. Let the paper books be prepared.

8. List the appeal for hearing in due course.