
(2010) 08 AHC CK 0144
In the Allahabad High Court

Ajharuddin alias Chandani

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 09-08-2010

Acts Referred:

Penal Code, 1860 (IPC) — Section 392, 411

Citation : (2010) 08 AHC CK 0144

Hon'ble Judges : Raj Mani Chauhan, J

Bench : Single Bench

Judgement

Raj Mani Chauhan, J.—Heard learned Counsel for the appellant on the point of admission of appeal and perused the impugned judgment and order dated 03.06.2010.

2. This appeal has been directed by the accused-appellant against the judgment and order dated 03.06.2010 passed by Additional Sessions Judge, Fast Track Court No. 9, Lucknow in Sessions Trial No. 1701 of 2008 (Crime No. 365 of 2008) State v. Ajharuddin, u/s 392, 411 I.P.C., Police Station Ashiyana, District Lucknow, whereby learned Additional Sessions Judge has held the accused appellant guilty under Sections 392, 411 I.P.C., consequently he has convicted and sentenced the accused appellant to undergo different terms of imprisonment and to pay fine with default stipulation. The maximum sentence awarded by the trial court is of three years u/s 392 I.P.C.

3. Admit.

4. Heard learned Counsel for the appellant on the prayer of bail of accused appellant.

5. The submission of learned Counsel for the appellant is that maximum sentence awarded by the trial court is three years u/s 392 I.P.C. The accused applicant has already spent 22 months in jail. He is going to complete 2/3 of the sentence awarded by the trial court. Therefore, accused appellant deserves to be released on bail during pendency of appeal.

6. Learned A.G.A opposed the prayer for bail and argued that accused appellant was not on bail during trial. He has been held guilty under Sections 392, 411 I.P.C. on the basis of evidence adduced by the prosecution. Therefore, accused appellant does not deserve to be released on bail.

7. Considered the submissions of the learned Counsel for the appellant and the learned Additional Government Advocate. The accused appellant has already spent 22 months in jail. The maximum sentence awarded by the trial court is of three years. Keeping in view the totality of the facts and circumstances of the case as well as the period undergone by the accused appellant, without expressing any opinion on the merits of the appeal, accused appellant may be released on bail.

8. Let accused-appellant Ajharuddin alias Chandani be released on bail in aforesaid Sessions Trial number during pendency of the appeal on his furnishing personal bond with two sureties each in the like amount to the satisfaction of the court concerned.

9. However, the realization of fine is not stayed and the same be deposited by the appellant, if not already deposited, within 30 days from the date of his release, failing which this order of bail shall stand cancelled.