
(2011) 10 AHC CK 0169
In the Allahabad High Court
Case No : Criminal Appeal No. 1308 of 2011

Akhilesh Kr. Sankhwar

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 17-10-2011

Acts Referred:

Citation : (2011) 10 AHC CK 0169

Hon'ble Judges : Kant Tripathi, J

Bench : Single Bench

Judgement

Hon"ble 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 20.07.2011 passed by Additional Sessions Judge/ T.E.C.P.-III, Lucknow in S.T. No. 806 of 2009 (State Vs. Akhilesh Kumar Sankhwar)

2. Learned counsel for the appellant submitted that the maximum sentence passed against the appellant is of four years R.I. u/s 489-C I.P.C. The sentence passed against the appellant u/s 419 I.P.C. is of one year R.I. Both the sentences have been directed to run concurrently, therefore, the appellant has already served out the entire sentence with regard to the offence u/s 419 I.P.C. Moreso, both the offences are bailable. It was next submitted that the applicant is in jail from 23.05.2009 and has thus served out a substantial portion of the sentence, so far as the offence u/s 489-C I.P.C. is concerned. It was further contended that in case the appellant is not released on bail, the appeal would, in due course, become infructuous as there is no prospect of the appeal being heard in near future 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

Akhilesh Kumar Sankhwar, is released on bail in all the offences he has been convicted and sentenced in the aforesaid sessions trial, 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 and also subject to the following conditions:

1. The appellant, if so required, shall attend this Court according to the conditions of the bond executed by him;
2. The appellant shall not commit any offence similar to the offence of which he has been convicted. In case of breach of any of the above condition; the bail shall be liable to be cancelled. 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.
5. 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.