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**(2023) 02 UK CK 0106**  
**In the Uttarakhand High Court**  
**Case No : Criminal Appeal No. 97 Of 2023**

Shankar Lal

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

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**Date of Decision :** 25-02-2023

**Acts Referred:**

Indian Penal Code, 1860 — Section 401

**Citation :** (2023) 02 UK CK 0106

**Hon'ble Judges :** Alok Kumar Verma, J

**Bench :** Single Bench

**Advocate :** Kaushal Sah Jagati, T.C. Aggarwal

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## Judgement

Alok Kumar Verma, J

1. The present Criminal Appeal has been filed against the judgment dated 04.02.2023, passed by the learned IInd Additional Sessions Judge, District Udham Singh Nagar in Sessions Trial No. 227 of 2015, "State Vs. Sanjeev Sharma alias Tunda & Others", by which, the appellant has been convicted for the offence punishable under Section 401 Indian Penal Code, 1860 and has been sentenced to undergo rigorous imprisonment for a period of four years along with a fine of Rs. 3,000/-.

2. Heard Mr. Kaushal Sah Jagati, learned counsel for the appellant and Mr. T.C. Aggarwal, learned Deputy Advocate General for the State.

3. Appeal is admitted.

4. List this case on 12.06.2023.

5. Heard learned counsel for the parties on the Bail Application (I.A. No.1 of 2023).

6. Mr. Kaushal Sah Jagati, Advocate, submitted that no cogent or reliable evidence are produced by the prosecution to convict the appellant for the offence

punishable Section 401 IPC. Appellant was on bail during the trial and the conditions of the bail were neither misused nor violated by him, and, he is a permanent resident of District Udham Singh Nagar.

7. Bail application has been formally opposed by learned counsel for the State.

8. Considering the facts and circumstances of the case, this Court is inclined to grant bail to the appellant, namely, Shankar Lal provided he submits his personal bond and two reliable sureties, each in the like amount to the satisfaction of the court concerned.

9. Registry is directed to send a soft copy of this bail order immediately by e-mail to the appellant-prisoner through the concerned Jail Superintendent for necessary action.