

**HIGH COURT OF JUDICATURE AT ALLAHABAD****CRIMINAL APPEAL No. - 5337 of 2025**

Jaydev And 31 Others

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	: Ashutosh Mishra, Kuldeep Singh Chahar, Rajiv Lochan Shukla, Syed Abid Ali Naqvi, Sr. Advocate
Counsel for Respondent(s)	: G.A., Mahipal Singh

Court No. - 83**HON'BLE SHEKHAR KUMAR YADAV, J.****Order on Appeal**

1. List this appeal in due course.
2. Trial Court record be summoned.

Order on Criminal Misc. Application for Suspension of Sentence and Bail

1. This Criminal Appeal under Section 14-A(1) of the S.C./S.T. (Prevention of Atrocities) Act has been preferred by the appellants, namely, **Jaydev, Rajendra, Pappu, Tejveer Singh, Banno, Jeetu @ Jitiram, Kunwar Pal, Kallo, Shyamveer, Leeladhar, Bhupendra, Satto, Mahesh, Nahar Singh, Ramveer, Surendra, Ramjeet son of Talewar, Niranjana, Harbhan, Pooran Singh, Devi Singh, Ummedi, Vijjo, Ramjeet son of Chhiddi, Mahendra Singh, Santo @ Santram, Sujana, Sudan @ Saudan, Mahtab, Dangal, Rajjo @ Raju and Sampat** against the conviction and sentence recorded vide judgment and order dated 28.05.2025/30.05.2025 passed by the Special Judge, S.C./S.T. Act, Additional Sessions Judge, Agra in Special Session Trial No. 68 of 1995 (State vs. Viptiram and Others), arising out of Case Crime No. 63 of 1990, under Sections 452, 148, 323/149, 427/149, 504 I.P.C. and Section 3(1)(x) of the S.C./S.T. Act, Police Station Kagaraul, District Agra.

2. Heard Sri Rajiv Lochan Shukla, learned counsel for the appellants-applicants, learned counsel for the informant as well as the learned A.G.A. for the State.

3. Learned counsel for the appellants submitted that the appellants are innocent and have been falsely implicated. It is argued that about 27 witnesses were examined on behalf of the prosecution, but there are material contradictions in their statements. It is further submitted that

most of the appellants are above 65 years of age and are suffering from various ailments. There was no motive for them to commit the alleged offence. The conviction and sentence imposed by the trial court are against the weight of evidence on record. The trial court has misread the evidence and convicted the appellants although the prosecution failed to prove its case beyond reasonable doubt. It is also submitted that the appellants were on bail during the trial and did not misuse the liberty of bail at any stage. They are in jail since 28.05.2025. Since there is no likelihood of early hearing of the appeal in the near future, the appellants deserve to be enlarged on bail during the pendency of the appeal. Besides these submissions, learned counsel for the appellants has also elaborated on the circumstances which, according to him, led to their false implication.

4. It is further submitted that appellant no. 21, namely Devi Singh, has been released on short-term bail vide order dated 04.08.2025 passed in Criminal Misc. Short Term Bail Application No. 07 of 2025 on the ground that he is aged about 95 years, is suffering from age-related ailments, and was hospitalized in Jail Hospital, Agra. He was further directed to positively surrender before the concerned court just after completion of two months, but the said period has not yet expired.

5. On the other hand, learned counsel for the informant and the learned A.G.A. have vehemently opposed the bail application.

6. I have considered the rival submissions made by learned counsel for the parties and have carefully gone through the entire record, including the impugned judgment.

7. Having regard to the facts and circumstances of the case, the sentence awarded to the appellants, the evidence available on record, the findings recorded by the trial court, the fact that the appellants were on bail during trial and no instance of misuse of liberty has been brought to notice, and also considering that the appeal may take some time for final disposal, I am inclined to release the appellants on bail, without further commenting on the merits of the case.

8. Let the appellants named above, except appellant no. 21, Devi Singh, be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned.

9. In respect of appellant no. 21, Devi Singh, it is noted that he has already been released on short-term bail upon furnishing two sureties and a personal bond of Rs. 50,000/-. Accordingly, no fresh bail bond is required from him.

10. On acceptance of bail bonds and personal bonds, the court concerned

shall transmit photostat copies thereof to this Court for being kept on record.

11. However, 50% of the fine amount, as imposed by the trial court, shall be deposited by the appellants within a period of fifteen days from the date of their release.

(Shekhar Kumar Yadav,J.)

August 28, 2025
SK Srivastava