

Court No. - 47

Case :- CRIMINAL APPEAL No. - 7280 of 2022

Appellant :- Umakant Yadav

Respondent :- State of U.P.

Counsel for Appellant :- Devbratt Yadav,Dinesh Kumar,Pramod Kumar
Srivastava,Ram Pratap Yadav,Sushmita Raghav

Counsel for Respondent :- G.A.

Hon'ble Siddharth,J.

Hon'ble Santosh Rai,J.

Order on Criminal Misc. Suspension of Sentence Application
No.01 of 2022

Custody certificate filed by learned counsel for the appellant-applicant is taken on record.

Heard Shri Dilip Kumar, learned Senior Counsel assisted by Shri Ajay Singh Yadav, learned counsel for the appellant, learned A.G.A. for the State and perused the record.

This bail application has been moved on behalf of appellant-applicant, Umakant Yadav, praying to enlarge him on bail in Sessions Trial No.304 of 1995 (State v. Umakant Yadav and others), arising out of Case Crime No.82 of 1995, under Sections 147, 148, 149, 224, 225, 302/149, 307/149, 332, 333, 427 of Indian Penal Code and 7 Criminal Law Amendment Act, Police Station Shahganj, District Jaunpur,, during the pendency of this appeal.

Learned counsel for the appellant has submitted that this is first implication of the appellant. As per custody certificate dated 19.11.2024, he has completed actual custody of 6 years, 9 months & 25 days as on date which comes to around 7 years now. Learned counsel further submits that age of the appellant is about 72 years. Learned counsel has relied upon the judgments of the Apex Court in the Case of **Anil Ari v. State of West Bengal, 2009 LawSuit (SC) 158** and submitted that the Apex Court directed enlargement of appellant on bail finding his age to be nearly 70 years when he was in jail for nearly one year only and in the case of **Madan Singh v. Sate of Madhya Pradesh in Special Leave Petition (Criminal) No.1319 of 2018** decided on 14.05.2018, a life convict was directed to be enlarged on bail after undergoing actual custody of 7 years. Applicant has been assigned to role of exhortation and he has criminal history of 34 cases out of which he has been acquitted in 25 cases. This appeal is of the year 2022. It is not likely to be heard in near future.

Learned A.G.A. has vehemently opposed the prayer for bail of applicant-appellant, but could not dispute the contentions of the learned counsel for the appellant.

After hearing the rival submissions and considering the fact that there are more than hundred criminal appeals being listed before this court per day and it is not humanly possible to decide all on merit. There is remote possibility of hearing of this appeal in near future hence prayer for grant of bail to the applicant is allowed, keeping in view of judgements of Apex Court in the cases cited herein-above.

Let the applicant-appellant convicted and sentenced in the aforesaid crime be released on bail on his furnishing a personal bond of Rs.1 lac and two sureties each of the like amount to the satisfaction of court concerned.

Applicant-appellant shall not transfer, sell, alienate or create any charge on the immovable property in his name, while on bail save with leave of this court.

As soon as personal and surety bonds are furnished, photocopies of the same are directed to be transmitted to this Court forthwith by the concerned court to be kept on record.

The appellant-applicant is directed to deposit the fine before release from jail.

The applicant will report his presence before the Police Station Shahganj, District Jaunpur in first week of every second month during the pendency of this appeal.

Order on Criminal Appeal

Admit.

Summon the lower court record.

Office is directed to get the paper book prepared within six weeks.

List this appeal for hearing in due course.

Order Date :- 13.8.2025 / A.N. Mishra