

Chief Justice's Court

Case :- CRIMINAL APPEAL No. - 5365 of 2016

Appellant :- Km. Preeti Lata

Respondent :- State of U.P.

Counsel for Appellant :- Siya Ram Verma, Lok Nath Shukla, Mary Pancha (Sheeb Jose), Mohd. Kalim, Pradeep Kumar Mishra, Raj Kumar Tiwari, Vinay Saran

Counsel for Respondent :- G.A., Vindhyaachal Singh

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Nalin Kumar Srivastava, J.

Order on Criminal Misc. IInd Bail Application.

Ms. Mary Pancha (Sheeb Jose), learned counsel for the appellant and Sri J.K. Upadhyay, learned AGA for the State.

This is the second bail application filed on behalf of accused appellant, Km. Preeti Lata, seeking suspension of sentence and grant of bail on the ground of detention period of the appellant. The first bail application of the appellant was dismissed as withdrawn vide order dated 6.2.2023.

Present appeal arises out of impugned judgement and order dated 23.9.2016 passed by Additional Sessions Judge, Court No.1, Kanpur Dehat in Sessions Trial No. 18 of 2014 (State vs. Km. Preeti Lata), arising out of Crime No. 547 of 2013, P.S. Akbarpur, District Kanpur Dehat.

The appellant stands convicted and sentenced u/s 302 IPC to undergo imprisonment for life with a fine of Rs.25,000/-, in default thereof, she has to undergo additional imprisonment for 6 months.

Learned counsel for the appellant submits that the appellant has already served more than 10 years of actual jail sentence; the appeal may take some time for its final disposal and, therefore, in the light of the judgements passed by Supreme Court in the cases of **Saudan Singh Vs. State of U.P., 2022 SCC Online SC 697** and in **Suleman v. The State of Uttar Pradesh, 2022 SCC Online SC 1042**, respectively, the appellant is entitled to be released on bail.

The State counsel though opposes the bail application but is not in a position to dispute the detention period.

We have heard counsel for the parties and perused the record.

Considering the totality of the case, in particular, detention period of the appellant, the fact that the appeal may take some time for its final disposal and judgements of Supreme Court, without further commenting on the merits of the case, we are inclined to release the appellant on bail.

Let appellant Km. Preeti Lata, convicted and sentenced in the above mentioned sessions trial, be released on bail on furnishing a personal bond in the sum of Rs.50,000/- (Fifty Thousand) and two sureties each in the like amount to the satisfaction of the court concerned.

The repeat application is, accordingly, disposed of.

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.

List the appeal for final hearing in its due course.

In the meanwhile, Registry to prepare paper book, if not already prepared.

Order Date :- 28.8.2023

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(N.K. Srivastava, J) (Pritinker Diwaker, CJ)