



ITEM NO.9

COURT NO.16

SECTION II

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S). 9825/2026

[Arising out of impugned final judgment and order dated 03-04-2026 in CRLA No. 616/1985 passed by the High Court of Judicature at Allahabad]

SUBHASH & ANR.

PETITIONER(S)

VERSUS

STATE OF UTTAR PRADESH

RESPONDENT(S)

(IA No. 145907/2026 - EXEMPTION FROM FILING O.T.)

IA No.227215/2026-APPLICATION FOR BAIL)

Date : 23-09-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :Mr. Pulkit Tare, Adv.
Mr. Sandeepan Pathak, AOR
Mr. Rahul Gupta, Adv.
Mr. Abhishek Yadav, Adv.
Mr. Shivanshu Sharma, Adv.

For Respondent(s) :Mr. Yasharth Kant, AOR
Mr. Kameshwar Nath Mishra, Adv.
Ms. Sonal Kushwah, Adv.
Mr. Abhinav Sharma, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. Learned counsel for the appellants has submitted before this Court that, pursuant to the order dated 24.07.2026 passed by this Court, both the appellants have surrendered. The aforesaid submission is not disputed by the learned counsel appearing for the respondent-State of

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JAGDISH KUMAR
Date: 2026.09.23
16:39:17 IST
Reason: [S]

Uttar Pradesh. In the present case, appellant No.1 is aged about 83 years, while appellant No.2 is aged about 68 years. The incident occurred in the year 1983, and both the appellants, during the course of the trial, had undergone incarceration for five and a half years and six years, respectively.

3. Learned counsel for the appellants has argued before this Court that there is lot of contradiction and omission and there is every possibility of them succeeding in the criminal appeal and, therefore, keeping in view the fact they were on bail during the trial and also keeping in view the fact that they are of advance age, the application for suspension of sentence deserves to be allowed.

4. On the other hand, learned counsel for the respondent-State has vehemently opposed the prayer for grant of bail and suspension of sentence. He has placed reliance on the statement of PW1, PW2, PW4 and PW5 and he has stated that the appellants have rightly been held guilty by the Trial Court as well as of the High Court for offences punishable under Section 302 read Section 34 of the Indian Penal Code, 1860.

5. This court after hearing learned counsel for the parties and after going through the record is of the opinion that the application for suspension of sentence deserves to be allowed and it is accordingly allowed.

Ordered accordingly.

6. The appellants shall be released on bail during the pendency of the appeal, subject to such terms and conditions as may be imposed by the Trial Court. However, fine amount be paid by the appellants if not already paid.

7. I. A. No.227215 stands disposed of accordingly.

8. List the matter for hearing in due course.

(JAGDISH KUMAR)
ASTT. REGISTRAR-cum-PS

(MAYA KUMARI)
BRANCH OFFICER