



2026:AHC:128511

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 5374 of 2026

Rupa Mishra

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Reema Pandey, Saurabh Raj Srivastava
Counsel for Respondent(s)	:	G.A.

Court No. - 67

HON'BLE SAMEER JAIN, J.

Order on appeal

1. Heard Sri G.S. Chaturvedi, learned Senior Counsel assisted by Ms. Reema Pandey, learned counsel for the appellant-applicant and Dr. S. B. Maurya, learned AGA-I for the State-respondent are present.
2. Admit.
3. Summon the trial court record.
4. List the instant appeal in due course after receiving record of the trial court.

Order on suspension of sentence application

1. Heard Sri G.S. Chaturvedi, learned Senior Counsel assisted by Ms. Reema Pandey, learned counsel for the appellant-applicant and Dr. S. B. Maurya, learned AGA-I for the State-respondent are present.
2. The instant application for suspension of sentence has been moved by the appellant-applicant with a prayer to suspend the conviction order dated 14.5.2026 passed by learned Sessions Judge (M.P./M.L.A. Court)/Additional Sessions Judge, Fast Track Court, Bhadohi in Sessions Trial No. 454 of 2023 (State of Uttar Pradesh Vs. Rupa Mishra) under sections 420, 120B IPC arising out of case crime No. 273 of 2020, Police station Gopiganj, District Bhadohi, during the pendency of appeal.
3. Learned counsel for the appellant-applicant submitted that appellant-applicant is lady and on the basis of false allegations she has been roped in the present matter only due to political reasons and although there was no proper evidence against her on record but inspite of that trial court convicted her in the instant matter for the offence under sections 120B IPC read with section 420 IPC.
4. He further submitted that from the conviction order dated 14.5.2026 it reflects with

the aid of section 120B IPC appellant-applicant has been convicted.

5. He further submitted that trial court awarded maximum sentence of four years to the applicant and considering the heavy docket of the Court, the possibility of early hearing of the instant appeal is quite remote and appellant-applicant is lady and she is having no previous criminal history to her credit.

6. He further submitted that therefore, sentence awarded to the appellant may be suspended and she may be released on bail during pendency of appeal.

7. Per contra, learned AGA opposed the prayer and submitted that appellant is daughter in law of the Vijay Mishra, the ex-MLA who was also having criminal history of 84 cases but he could not dispute the fact that appellant is lady and she is not having any other criminal history and only four years maximum sentence has been awarded to her and considering the heavy docket of the Court, there is no likelihood of early disposal of the instant appeal.

8. I have heard learned counsel for both the sides and perused the record of the case.

9. From the impugned order passed by the court concerned it reflects appellant has been convicted for the offence under sections 120B IPC readwith section 420 IPC. Conviction order further suggests that maximum four years sentence has been awarded to the appellant.

10. Considering the heavy docket of the Court, this Court finds merit on the submission made by learned Senior Counsel that there is no likelihood of early disposal of the instant appeal.

11. Further, Apex Court in the case of ***Bhupatji Sartajji Jabraji Thakor Vs. State of Gujarat 2024 SCC OnLine SC 3320*** observed that ordinarily where there is fix term sentence awarded to an appellant then during pendency of the appeal conviction awarded to him or her should be suspended and he/she should be enlarged on bail during pendency of the appeal.

12. Further, appellant is lady and she is not having any other criminal history.

13. Therefore, considering the facts and circumstances of the case, discussed above, in my view, sentence awarded to the appellant may be suspended and application for suspension of sentence moved by the appellant-applicant may be allowed and applicant may be released on bail during pendency of instant appeal.

14. Accordingly, the application for suspension of sentence filed by the the appellant-applicant stands **allowed**. Sentence awarded to her is suspended and appellant-applicant is directed to be released on bail in the instant matter during the pendency of her appeal.

15. Let appellant-**Rupa Mishra**, be released on bail in the aforesaid case, on her furnishing a personal bond and two reliable sureties of the like amount to the satisfaction of the court concerned with the following conditions:-

- (i) The appellant shall not misuse the liberty of bail in any manner whatsoever.
- (ii) The appellant shall pursue the case regularly, shall not seek any unnecessary adjournment and shall co-operate in early disposal of the present appeal.
- (iii) The appellant shall not indulge in any criminal and anti-social activity.

16. On acceptance of bail bonds, the lower court shall transmit photostat copies thereof to this Court for being kept on the record of this appeal.

June 22, 2026
Ankita

(Sameer Jain,J.)