

Court No. - 85

Case :- CRIMINAL APPEAL No. - 7272 of 2023

Appellant :- Harikesh @ Chhutailal

Respondent :- State of U.P. and Another

Counsel for Appellant :- Deepak Kumar Verma, Akansha Verma

Counsel for Respondent :- G.A.

Hon'ble Mayank Kumar Jain, J.

1. Heard learned counsel for the appellant, learned Additional Government Advocate for the State of U.P. and perused the record.

2. This criminal appeal under Section 14-A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been preferred by the appellants with the prayer to set aside the order dated 09.05.2023 passed by learned Additional District and Session Judge, Court No. 2/Special Judge (SC/ST Act), Kanpur Dehat in Case Crime No. 831 of 2007, under Sections 504, 506 I.P.C., Section 3(1)(10) of SC/ST Act, Police Station Rura, District Kanpur Dehat.

3. It is submitted by the learned counsel for the appellant that appellant was on bail in Special S.T No. 81 of 2011 (State Vs. Harikesh @ Chhutailal) under Sections 504, 506 I.P.C., Section 3(1)(10) of SC/ST Ac. It is further submitted that appellant left his house and turned himself as saint and he was moved from temple to temple at different places. The appellant is languishing in jail since 15.03.2023 having no criminal history and the age of the appellant is 70 years. In case he is released on bail, he will not misuse the liberty of bail and will cooperate in the early disposal of the case.

4. Per contra, learned A.G.A. vehemently opposed the prayer for bail and submitted that appellant remained absent from 24.03.2012 and trial of the case was delayed due to the absence of the appellant. The appellant has misused the liberty of bail.

5. The appellant remained absent since 2012 and process were issued against him. The appellant surrendered himself in the court on 15.03.2023. During his absence the trial has been delayed. The appellant has misused the liberty of bail, therefore, I do not find it a fit case for bail.

6. Since the trial court has passed the impugned order after appreciating the evidence available on record, there is no occasion to interfere with the finding of fact recorded by the trial court, hence, the present criminal appeal lacks merit and deserves to be dismissed.

7. Accordingly, the criminal appeal is dismissed.

8. However, the trial court is directed to expedite the trial and make every endeavour to conclude the same expeditiously without granting any unnecessary adjournment to either of the parties subject to full co-operation by the appellant, if there is no legal impediment.

Order Date :- 31.10.2023

PS