

Court No. - 78

Case :- CRIMINAL APPEAL No. - 6832 of 2023

Appellant :- Jugendra Singh Yadav

Respondent :- State of U.P. and Another

Counsel for Appellant :- Syed Imran Ibrahim, Praveen Kumar Singh

Counsel for Respondent :- G.A.

Hon'ble Raj Beer Singh, J.

1. Heard Sri Manish Tiwary, learned Senior Advocate, assisted by Sri Syed Imran Ibrahim, learned counsel for the appellant and Sri P.C. Srivastava, learned Additional Advocate General for the State.

2. This criminal appeal has been preferred under Section 14-A (2) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'SC/ST Act') for quashing of impugned order dated 30.05.2023, passed by the learned Special Judge (SC/ST), Etah in Case Crime No. 203 of 2022, under Section 147, 323, 344, 347, 386, 447, 506, 120-B IPC and 3(2)V of SC/ST Act, Police Station Jaithra, District Etah as well as for enlarging the appellant on bail in the aforesaid case.

3. The informant has lodged the first information report of this case on 03.06.2022, alleging that his father has passed away in the year 1990 and after that the land of his father i.e. Gata No. 3981/0.324 was inherited by informant and his brothers and their names were recorded in the revenue record. It was alleged that during the period between 2010 to 2014, appellant and co-accused persons started pressurizing the informant to sell his land. The brother of informant is not mentally stable. In the month of August, 2014, co-accused Rameshwar Yadav has confined the informant and his brother at his residence at Jaithara for one month and they were assaulted and abused and they have got registered the sale-deed of their property by threat. It was also alleged that taking undue advantage of mental weakness of the brother of informant, co-accused Rameshwar Yadav has got registered the sale-deed of the property of his brother.

4. It has been argued by learned senior counsel for the appellant that appellant is innocent and he has been falsely implicated in this case on the basis of concocted and fabricated allegations. The case was lodged at the behest of ruling

party in government, which is trying to keep the appellant in jail due to political reasons. Brother of appellant is a stalwart and leader of Samajwadi Party and he is an eyesore for the ruling government. The alleged incident has been shown of the year 2014 but first information report has been lodged after 8 years on 03.06.2022 and this long delay in the first information report has not been explained. The alleged land was purchased by registered sale-deed in the year 2014 and for a period of 8 years, no complaint was made. In fact, the informant and his brother have executed as many as 15-16 sale-deeds of different plots and it cannot be believed that they have executed the sale-deed due to threat or fear. Referring to the facts of the matter, it was submitted that no case is made out against the appellant and that the appellant has been falsely implicated in this case.

5. It is further submitted that so far applicability of Section 447 IPC is concerned, in view of amended provision of Section 441 IPC, a notice is required to be sent but no such notice was sent. Regarding conduct of informant, it was mentioned that in a case lodged against the informant under Section 323, 504, 506, 307 IPC, P.S. Malawan, Etah, the informant has already been declared as a proclaimed offender. Referring to the facts of the matter, it was submitted that the appellant has been falsely implicated in this case due to political enmity. Criminal history of appellant has duly been explained and that similarly placed co-accused Rameshwar Singh Yadav has already been granted bail by this court vide order dated 31.05.2023 passed in criminal appeal no. 4736 of 2022 and that in some of the similar cases, appellant has also been granted interim relief by this Court.

6. Learned Additional Advocate General for the State has opposed the appeal and argued that appellant is named in the first information report and that there are allegations against the appellant that the appellant and co-accused Rameshwar Yadav have got registered the sale-deeds of the property of informant and his brother by threat and fear. It is further submitted that there is long criminal history of 97 cases against the appellant. Referring to the statements of witnesses, it was submitted that appellant is a Mafia and that the accused persons often used to falsely implicate the innocent persons in criminal cases. The informant is a member of scheduled caste and that the delay in lodging of the first information report has duly been explained. The appellant and the co-accused persons have

been involved in grabbing of property of others and that appellant is a history-sheeter and habitual offender and if he is released on bail, he may threaten the informant and other witnesses. However, it could not be disputed that co-accused Rameshwar Yadav has already been granted bail by this court vide order dated 31.05.2023 passed in criminal appeal no. 4736 of 2022.

7. I have considered rival submissions and perused the record.

8. It appears from the record that the alleged incidents of sale-deeds of the property of the informant and his brother were shown of the year 2014 and the first information report has been lodged after 8 years in the year 2022. The alleged land was shown transferred on the basis of registered sale-deeds. The main allegations have been levelled against co-accused Rameshwar Yadav, who has been granted bail by this court vide order dated 31.05.2023 passed in criminal appeal no. 4736 of 2022 and that in some of the similar cases, appellant has also been granted interim relief by this Court. The appellant is stated in jail since 20.04.2023.

9. In view of the above facts and circumstances of the case, it would not be just and proper to reject the bail application of appellant merely on the basis of criminal history and that a case for bail is made out. It appears that could below has not considered the matter in correct perspective and thus, impugned order dated 30.05.2023 is liable to be set aside.

10. In view of the above, the appeal is **allowed** and the impugned order dated 30.05.2023, passed by the learned Special Judge (SC/ST), Act, Etah, is hereby set aside.

11. Let the appellant **Jugendra Singh Yadav** involved in Case Crime No. 203 of 2022, under Section 147, 323, 344, 347, 386, 447, 506, 120-B IPC and 3(2)V of SC/ST Act, Police Station Jaithra, District Etah, be released on bail on his furnishing a personal bond and two sureties (one should be of his family member) each in the like amount to the satisfaction of the court concerned.

12. The criminal appeal is allowed in above terms.

Order Date :- 02.12.2023

Anand