

**Court No. - 85**

**Case :-** CRIMINAL APPEAL No. - 8037 of 2023

**Appellant :-** Neeraj Verma

**Respondent :-** State of U.P. and Another

**Counsel for Appellant :-** Jitendra Pal Singh, Pradeep Kumar Singh

**Counsel for Respondent :-** G.A.

**Hon'ble Mayank Kumar Jain, J.**

Compliance affidavit filed today by learned A.G.A is taken on record.

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

The present criminal appeal under Section 14-A(2) Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act has been filed by the appellant to set aside the impugned order dated 22.05.2023 passed by the Special Judge, SC/ST Act, Pilibhit in bail application no. 1121 of 2023 arising out of Case Crime No. 420 of 2022, under Sections 302, 328 of IPC, and Section 3(2)(V) of SC/ST Act, Police Station Kotwali, District Pilibhit.

There is an allegation in the FIR that the son of the informant namely Ajay Balmiki was working as sweeper in Nagar Panchayat, Banbasa. He was having illicit relationship with the mother of the appellant. On 09.03.2023 at around 5:00 p.m appellant had taken away Ajay with him along-with Rs. 15,000/-. On 11.03.2022 at around 12:00 p.m the appellant informed the informant that his son has died. The informant reached the informant's house and found that his son was dead.

Learned counsel for the appellant submits that appellant is innocent and has been falsely implicated in this case. An application to lodge the F.I.R under Section 156(3) Cr.P.C was moved on 06.05.2022 while the F.I.R was registered on 12.08.2022. In the inquest report no injury was found on the person of deceased. In the postmortem report also no injury was found and viscera was preserved. The son of the informant as well as the appellant were having good relations and were addicted to smack and other substances. Appellant is languishing in jail since 24.11.2022 having no criminal history. In case, the appellant is

released on bail, he will not misuse the liberty of bail.

Per contra, learned A.G.A. has vehemently opposed the prayer for grant of bail to the appellant and submitted that the body of the deceased was found inside the house of the appellant. The informant and independent witness Dhakan Devi who is the witness of last seen together the deceased with the appellant. Independent witnesses Gautam Sharma and Anoop Sharma have stated that when the appellant and deceased were having some dispute and were fighting with each other they intervene in the matter. In the F.S.L Report also Organo Chloro Insecticide poison was found.

Having regard to the facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the active participation of the appellant in the commission of crime, I do not find it fit case for bail.

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.

Accordingly, the criminal appeal is dismissed.

**Order Date :- 5.12.2023**

PS