

Court No. - 85

Case :- CRIMINAL APPEAL No. - 8294 of 2023

Appellant :- Satendra Yadav

Respondent :- State of U.P. and Another

Counsel for Appellant :- Pankaj Satsangi

Counsel for Respondent :- G.A., Vishal Kumar

with

Case :- CRIMINAL APPEAL No. - 8301 of 2023

Appellant :- Ved Prakash @ Bhurey Yadav

Respondent :- State of U.P. and Another

Counsel for Appellant :- Pankaj Satsangi

Counsel for Respondent :- G.A., Vishal Kumar

Hon'ble Mayank Kumar Jain, J.

Both criminal appeals are arising out of same case crime, therefore, the same are being decided by this common order.

Supplementary affidavit filed by learned counsel for the appellant is taken on record.

Heard learned counsel for the appellants, learned AGA for the State and learned counsel for the informant and perused the material placed on 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 03.08.2023, whereby the Special Judge, SC/ST Act/Additional Sessions Judge, Budaun has rejected the bail application of the appellant moved by him in Case Crime No. 26 of 2023, under Sections 306 IPC and Section 3(2)5 SC/ST Act, Police Station Bisuali, District Budaun.

There is an allegation against the appellant that on 12.12.2022 at any time during the night the husband of the informant namely Subedar committed suicide due to harassment caused by the appellants. The appellants used to enjoy liquor with deceased Subedar frequently. A suicide note was also recovered from the

body of the deceased in which certain allegations are made against the appellants.

Learned counsel for the appellants has submitted that appellants are innocent and have been falsely implicated in this case. It is submitted that prior to this incident no complaint or FIR was lodged against the appellants about any harassment or causing any injury to the deceased. It is also submitted that no injury was found on the person of the deceased, therefore, it indicates that he was not physically harassed by the appellants. It is also submitted that deceased used to drink liquor with the appellants. Except ligature mark no injury is noted during medical examination. So far as the criminal history of the appellant Satendra Yadav is concerned, it is explained in para 3 of supplementary affidavit. It is a case of malicious prosecution under the provisions of S.C./S.T. Act. Appellants are languishing in jail since 07.06.2023. In case, the appellants are released on bail, they will not misuse the liberty of bail.

Per contra, learned A.G.A. assisted by learned counsel for the informant has supported the order passed by the Sessions court and vehemently opposed the prayer for grant of bail to the appellant and argued that appellants are named in the FIR. It is submitted that suicide note is recovered from the cloths of the deceased in which certain allegations are made against the appellants. It is submitted that FSL report also indicates that the specimen writing of the deceased was found to be matched as noted in the suicide note. Appellant Ved Prakash has criminal history of two cases.

It appears from the arguments advanced by the counsel for the parties and from perusal of material on record that the trial court has properly considered the case of the appellant. Hence, in view of above consideration, the order of rejection of bail passed by the trial court dated 03.08.2023 is affirmed.

Having considered the submissions of the parties noted above, finding no force in the submissions made by the learned counsel for the appellant; without expressing any opinion on the merits of the case, the Court is of the opinion that the appellant is not entitled to be enlarged on bail and the appeal deserves to be dismissed.

The criminal appeal is dismissed.

The trial court may make all possible efforts/endeavour and try to conclude the trial expeditiously in accordance with law, if there is

no other legal impediment.

It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

Order Date :- 30.10.2023

Mohit