

Court No. - 85

Case :- CRIMINAL APPEAL No. - 8720 of 2023

Appellant :- Mani Ram @ Manni And 2 Others

Respondent :- State of U.P. and Another

Counsel for Appellant :- Saurabh Kumar, Hemant Sharma

Counsel for Respondent :- G.A.

Hon'ble Mayank Kumar Jain, J.

Learned A.G.A. submits that notice upon the informant/opposite party no.2 has been duly served but no one has put in appearance on her behalf.

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

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 anticipatory bail rejection order dated 14.08.2023 passed by learned Special Judge SC/ST (PA) Act), Bulandshahar in Anticipatory Bail Application No. 4830 of 2023, arising out of Case Crime No. 393 of 2021, under Sections 147, 148, 149, 452, 323, 504 IPC and Section 3 (2) 5 A of SC/ST (P.A.) Act, Police Station Jahangirabad, District Bulandshahar.

Learned counsel for the appellants argued that the appellants have been falsely implicated in this case. Cross versions of the incident has been registered by both the parties. Both parties sustained injuries. General role have been assigned to all the accused-appellants in the present case. It is further submitted that similarly placed co-accused Pravendra Singh, Manendra @ Bhoora have already been enlarged on bail by the co-ordinate Bench of this Court vide order dated 31.05.2023 passed in Criminal Appeal No. 1826 of 2023 and co-accused Kuldeep Singh, Randeep Singh and Modi Singh have already been enlarged on bail by the co-ordinate Bench of this Court vide order dated 19.07.2023 passed in Criminal Appeal No. 6440 of 2023 . The appellants do not have any criminal history to their credit. Lastly, it is submitted by learned counsel for the appellants that there is no chance of the appellants fleeing away from the judicial process or tampering with the prosecution evidence. In case, he is granted anticipatory

bail, he shall not misuse the liberty of bail and will cooperate with the Investigation.

Per contra, learned A.G.A. opposed the prayer for anticipatory bail but could not dispute the aforesaid factual aspects of the matter.

Having regard to the facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, this Court is of the view that the appellants have made out a case for bail. The Court below erred in rejecting the anticipatory bail application. The impugned order suffers from infirmity and illegality and the same is liable to be set-aside and the appeal is liable to be allowed.

Accordingly, the appeal is allowed and the impugned order rejecting the anticipatory bail application of the appellants is set-aside.

In the even of arrest of the appellant **Mani Ram @ Manni, Amit and Satya @ Satyaveer**, shall be released on **anticipatory bail** during the pendency of trial on his furnishing a personal bond and two reliable sureties each in the like amount to the satisfaction of the concerned court subject to the following conditions:

- (i) The appellant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.
- (ii) The appellant shall not pressurize/intimidate the prosecution witnesses.
- (iii) The applicant shall not leave India without the previous permission of the Court and if he has passport, the same shall be deposited by him before the S.S.P./S.P. concerned.
- (iv) The appellant shall make himself available for interrogation by a police officer as and when required.

In default of any of the conditions, the concerned court shall be at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

Order Date :- 6.11.2023/PS