

Court No. - 85

Case :- CRIMINAL APPEAL No. - 9041 of 2023

Appellant :- Raju @ Raj Kumar And 9 Others

Respondent :- State of U.P. and Another

Counsel for Appellant :- Rajesh Kumar Pandey

Counsel for Respondent :- G.A., Ajai Kumar, Krishna Kumar Yadav

Hon'ble Mayank Kumar Jain, J.

Heard learned counsel for the appellants, learned counsel for the informant, 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 bail rejection order dated 23.11.2022 passed by learned Special Judge (SC/ST Act), Bulandshahr in Anticipatory Bail Application No. 01 of 2022, arising out of Case Crime No. 645 of 2022, under Sections 147, 323, 452, 504, 506 I.P.C., Section 3(2)(5A) of SC/ST Act, Police Station Kotwali Dehat, District Bulandshahr.

Case of the prosecution as per the F.I.R is that on 15.08.2022 at around 9.30 p.m appellants who are named in the F.I.R came to the informant and hurled caste related abuses. The informant and his family members are beaten up by them.

Learned counsel for appellants has submitted that the appellants are innocent and have been falsely implicated in this case. All the appellants belong to single family and the entire family is roped with ulterior motive. The injuries noted on the person of the injured person are found simple in nature and no abnormality was detected during their X- Ray examination. During investigation the informant on 30.08.2022 moved an application along-with affidavit of himself and another person to conclude the investigation in favour of the accused-appellants. 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. The appellants having no criminal history and in case they are released on anticipatory bail, they will not misuse the liberty of anticipatory bail and will

cooperate in the early disposal of the case.

Per contra, learned A.G.A. assisted by learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submitted that appellants are named in the F.I.R. In the incident five persons sustained injuries, there are specific allegation that appellants addressed the informant and his family members with caste related abuses, charge-sheet has been filed. It is also submitted that appellants were given protection for 30 days that if the appellants file bail application, no coercive action shall be taken against them vide order dated 15.12.2022 passed in Criminal Appeal No. 9749 of 2022 but that order has not been complied.

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

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

The criminal appeal is dismissed.

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 :- 23.11.2023

PS