

Court No. - 85

Case :- CRIMINAL APPEAL No. - 8863 of 2023

Appellant :- Ranu @ Yogendra Singh

Respondent :- State of U.P. and Another

Counsel for Appellant :- Pankaj Kumar Mishra, Ashwani Singh

Counsel for Respondent :- G.A., Raj Kumar Mishra

Hon'ble Mayank Kumar Jain, J.

Heard learned counsel for the appellant, Sri Raj Kumar Mishra, learned counsel for the informant/opposite party no.2, 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 appellant with the prayer to set aside the bail rejection order dated 17.08.2023 passed by learned Special Judge SC/ST (P.A.) Act, Court No.2, Etawah in Bail Application No. 2035 of 2023, arising out of Case Crime No. 61 of 2021, under Sections 302, 201 IPC and Section 3 (2) (V) of SC/ST (P.A.) Act, Police Station Badhpura, District Etawah.

Learned counsel for the appellant argued that the appellant has been falsely implicated in this case only on the basis of suspicion. It is further submitted that appellant was not named in the first information report. Even the informant in his first statement recorded under Section 161 Cr.P.C. has taken the name of appellant. The name of appellant has come into light for the first time in the supplementary statement of the first informant. It is further submitted that similarly placed co-accused Ujjawal Pratap Singh @ Goldi and Prashant Singh @ Raja & Bhupendra Singh have already been granted bail by this Court vide orders dated 14.03.2023 and 19.09.2023 passed in Criminal Appeal Nos. 5051 of 2022 and 8585 of 2023 respectively. The appellant has criminal history of two cases which has been explained in para-3 of the supplementary affidavit. Lastly, it is submitted by learned counsel for the appellant that there is no chance of the appellant fleeing away from the judicial process or tampering with the prosecution evidence. The appellant is languishing in jail since 01.08.2023 and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the early disposal of the case.

Per contra, learned A.G.A. assisted by learned counsel for the informant opposed the prayer for 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 appellant has made out a case for bail. The Court below erred in rejecting the 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 bail application of the appellant is set-aside.

Let the appellant, namely, **Ranu @ Yogendra Singh** involved in the above Case be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

- (i) The appellant will not tamper with the evidence during the trial.
- (ii) The appellant will not pressurize/intimidate the prosecution witness.
- (iii) The appellant will appear before the trial court on the date fixed, unless personal presence is exempted.
- (iv) The appellant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
- (v) 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.

In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 27.10.2023

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