

Court No. - 85

Case :- CRIMINAL APPEAL No. - 8708 of 2022

Appellant :- Ram Adhin

Respondent :- State of U.P. and Another

Counsel for Appellant :- Ajatshatru Pandey

Counsel for Respondent :- G.A., Ashutosh Yadav, Shyam Lal

Hon'ble Mayank Kumar Jain, J.

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

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 order dated 10.10.2022 by which Second Bail Application No. 1236/2022 of the appellant had been rejected by Special Session Judge, SC/ST, Sant Kabir Nagar in S.T. No. 322/2020, in Case Crime No. 224 of 2020, under Sections 147, 148, 149, 504, 302, 323, 506, 308 I.P.C., Section 3(2)(5) of SC/ST Act and 7 Cr.L.A Act, Police Station Kotwali Mahuli, District Sant Kabir Nagar.

The first Criminal Appeal No. 3205 of 2021 filed by the appellant was dismissed by co-ordinate Bench of this Court vide order dated 17.12.2021.

Today vide supplementary affidavit order sheet of the trial court is brought on record and it is submitted that appellant is in jail since 26.07.2020 and statement of only one prosecution witness-Om Prakash, the informant has been recorded so far. It is submitted that political rivalry is admitted in the F.I.R and P.W.-1-Omprakash has admitted that appellant was a candidate in the gram pradhan election in the year 2010, he was defeated by Chandrika Yadav who was supported by the informant. It is also submitted that there are several allegation laid down against all the named persons, therefore, it cannot be said who is the author of the injuries sustained by Banti and other injured persons. It is also submitted that co-accused Akash Verma @ Akash Chaudhary, Madan Yadav and Manoj Kumar Yadav have already been granted bail vide order

dated 02.07.2021, 03.09.2021 and 08.05.2023 passed in Criminal Appeal Nos. 3503 of 2020, 24 of 2021 and 2781 of 2023 respectively. He further submits that since the role of the appellant is identical to that of the co-accused who have already been enlarged on bail, they are also entitled to be enlarged on bail on ground of parity. The appellant have no criminal history to his credit 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. vehemently opposed the prayer for bail and submitted that in this case one person had died and 6 persons sustained injuries. It is further submitted that wooden stick is also recovered on the pointing of the appellant. It is also submitted that so far as grant of bail to co-accused are concerned, they were not named in the F.I.R and they were summoned to face trial under Section 319 Cr.P.C.

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.

However, the trial court is directed to expedite the trial preferably within a period of one year and make every endeavour to conclude the same expeditiously without granting any unnecessary adjournment to either of the parties subject to full co-operation by the appellant, if there is no legal impediment.

Order Date :- 2.11.2023

PS