

Court No. - 85

Case :- CRIMINAL APPEAL No. - 10759 of 2023

Appellant :- Suresh @ Sanjay

Respondent :- State of U.P. and Another

Counsel for Appellant :- Prashant Sharma, Pankaj Sharma

Counsel for Respondent :- G.A.

Hon'ble Mayank Kumar Jain, J.

Heard learned counsel for the appellant, learned counsel for the informant, learned AGA for opposite party no.1 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 20.09.2023, passed by the Special Judge, Special Judge SC/ST Act, Hathras in Criminal Misc. Bail Application No. 1240 of 2023 in Case Crime No. 899 of 2018, under Sections 364, 394, 302, 201, 411 of IPC, and under Section 3(2)(5) of SC/ST Act, Police Station Kotwali Hathras, District Hathras.

The case of the prosecution as per the FIR is that son of the informant namely Prashant Kumar was plying e-Rickshaw. He was lastly seen with the named accused in e-Rickshaw. The informant came to know that his son has been kidnapped along-with e-Rickshaw.

Learned counsel for the appellant has submitted that appellant is innocent and has been falsely implicated in this case. The appellant is not named in the F.I.R. Name of the appellant was disclosed by co-accused Aman Baghel that he along-with appellant committed murder of Prashant. It is also submitted that informant is not the eye witness of the incident and deceased uncle-Deendayal had seen the deceased with named accused Aman Baghel and not with appellant. Appellant is languishing in jail since 01.11.2018 having no criminal history. In case, the appellant is released on bail, he will not misuse the liberty of bail.

Per contra, learned A.G.A. has vehemently opposed the prayer for grant of bail to the appellant and submitted that so far as the statement of informant and Deendayal is concerned they have

corroborated the version of the F.I.R. The e-Rickshaw of the deceased was recovered on the pointing of the appellant, moreover, the body of the deceased was also recovered from the well on the disclosure of the appellant.

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.

Order Date :- 5.12.2023

PS