

Court No. - 85

Case :- CRIMINAL APPEAL No. - 10977 of 2023

Appellant :- Vikas Rajput

Respondent :- State of U.P. and Another

Counsel for Appellant :- Lavkush Kumar Bhatt

Counsel for Respondent :- G.A.

Hon'ble Mayank Kumar Jain,J.

List revised.

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

Heard learned counsel for the appellant, 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 26.09.2023 passed by learned Special Judge SC/ST Act/IIInd Additional District and Sessions Judge, Farrukhabad in Bail Application No. 1859 of 2023, arising out of Case Crime No. 364 of 2023, under Sections 366, 376, 506 I.P.C. and Section 3 (2) V of SC/ST Act, Police Station Kayamganj, District Farrukhabad.

As per the allegation of F.I.R., appellant developed intimate relation with the daughter of informant and took her photographs from her mobile phone. Thereafter, he threatened her daughter that he would make viral her photographs in social media and started blackmailing her. On 20.07.2023 at around 2 pm, appellant enticed away her daughter and had taken her to Agra. The daughter of the informant was handed over to him by the elder brother of the appellant.

It is submitted by the learned counsel for the appellant that appellant is innocent and he has been falsely implicated in the present case. It is further submitted that in para-28 of the affidavit filed in support of appeal, it has been explained that appellant was married twice and both of his wives are not living with him due to

some family dispute. It is further submitted that victim was a consenting party and as per her medical examination report, her age was determined to be 18 years. It is further submitted that victim in her statements admitted that no indecent photographs were stored in the mobile of her friend Ruchi. The appellant is languishing in jail since 07.08.2023 having no criminal history 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 contending that appellant is a married person having two wives. Victim in her statements recorded under Section 161 as well as 164 Cr.P.C. stated that appellant established physical relation with her. He further contended that despite the fact that appellant is a married person, he enticed away the victim and established physical relation with her. Hence, the appeal is liable to be dismissed.

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, 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**.

Learned trial court is directed to expedite the trial and record the statement of the victim preferably within a period of three months from the date of presentation of the certified copy of this order.

Order Date :- 28.11.2023

AKT