

Court No. - 85

Case :- CRIMINAL APPEAL No. - 11190 of 2023

Appellant :- Meena Devi

Respondent :- State Of U.P. And 2 Others

Counsel for Appellant :- Bhole Ram

Counsel for Respondent :- G.A., Manvendra Singh

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/cancel the impugned judgment and order dated 15.09.2023 passed by Special Judge SC/ST Act, Fatehpur in bail application no. 1791 of 2023 (Kallu Singh and another Vs. State of U.P) in Case Crime No. 38 of 2023, under Sections 323, 325, 504 of IPC, and under Section 3(1)Da, 3(1)Dha, 3(2)(5Ka) of SC/ST Act, Police Station Asothar, District Fatehpur.

The only ground taken in the appeal to cancel the bail of the respondent nos 2 and 3 is that the learned trial court while passing the order dated 15.09.2023 by which the respondent nos. 2 and 3 were granted bail was passed without giving an opportunity of hearing to the appellant. No notice were issued by the court under Section 15-A(3) of the S.C/S.T Act. Further an application was given to the concerned S.H.O on 09.10.2023 stating that respondent nos. 2 and 3 were threatening the informant and had beaten her husband Santosh Kumar.

Learned counsel for respondent nos. 2 and 3 referred the order dated 15.09.2023 passed by the learned trial court wherein specifically noted that notice was issued to the informant-Meenu Devi, it was served personally upon her but none appeared on her behalf, therefore, the application was heard and disposed of. It is also submitted that so far the application dated 09.10.2023 is concerned no date of incident is mentioned in this application even there is no witness who had seen the alleged incident. Respondent nos. 2 and 3 have not misused the liberty of the bail, therefore, the appeal is liable to be dismissed.

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 :- 30.11.2023

PS