

Court No. - 85

Case :- CRIMINAL APPEAL No. - 11591 of 2023

Appellant :- Guddu

Respondent :- State Of U.P. And 3 Others

Counsel for Appellant :- Rakesh Kumar Mishra

Counsel for Respondent :- G.A.,Zafar Abbas

Hon'ble Mayank Kumar Jain,J.

1. Heard learned counsel for the appellant, learned counsel for respondent no. 2, learned AGA for opposite party no.1 and perused the material placed on record.

2. 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 bail order dated 25.07.2023 passed by the learned Special Judge, S.C/S.T. Act, Rampur in Second bail application No. 99 of 2023 (Yusuf & others Vs. Guddu), granting bail to the accused/opposite parties No. 2, 3 and 4 in Complaint Case No. 54 of 2021, under Section 323, 392, 504, 506 of IPC, and under Section 3(1)Da, 3(1)Dha of SC/ST Act, Police Station Bhot, District Rampur.

3. Learned counsel for the appellant has submitted that after enlargement of bail the respondent nos. 2 to 4 are threatening and putting pressure upon the appellant to withdraw this case. On 15.09.2023, when the appellant was not present in his house, the respondent nos. 2 to 4 along-with other persons came and abused family members of the appellant. An application on 16.09.2023 was given to concerned police station but no action was taken. Thereafter, on 20.09.2023, application was sent to S.S.P, Rampur but no action was taken. Thereafter, respondent nos. 2 to 4 are repeatedly threatening the appellant and his family members.

4. Per contra, learned counsel for respondent nos. 2 to 4 submitted that so far as applications given on 16.09.2023 and on 20.09.2023 to police station concerned and S.S.P., Rampur respectively are concerned, no NCR or F.I.R was registered against respondent nos. 2 to 4. There is an allegation that respondents committed marpeet with the family members of the appellant but no injury report is brought on record. The impugned order is a speaking order which was passed in the presence of the learned counsel for the

informant. It is also submitted that no application of the alleged incident dated 15.09.2023 was given before the trial court while the trial was pending. Therefore, the prayer to set aside the impugned bail order dated 25.07.202 deserves to be rejected.

5. In the given case, it is admitted that the respondents/accused has no criminal history to their credit which is mentioned in the impugned order passed by the learned trial Court while granting the bail to the respondents/accused. So far as the applications given on 16.09.2023 and on 20.09.2023 to police station concerned and S.S.P., Rampur respectively are concerned, no NCR or F.I.R was registered against respondent nos. 2 to 4. No such application was moved before the trial court.

6. 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.

7. Accordingly, the criminal appeal is dismissed.

Order Date :- 14.12.2023

PS