

Court No. - 29

Case :- CRIMINAL APPEAL No. - 389 of 2024

Appellant :- Sugreev Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. And
2 Others

Counsel for Appellant :- Shivendra S Singh Rathore, Sachin
Upadhyay

Counsel for Respondent :- G.A.

Hon'ble Ajay Bhanot, J.

Shri Nikhil Singh, learned AGA on the basis of instructions submits that the notices upon the respondents have been served in light of the judgment rendered by this Court in **Ajeet Chaudhary vs. State of U.P. & Another** reported at **2021 (1) ADJ 559**.

This criminal appeal under Section 14-A (2) 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 23.01.2024 passed by the learned Special Judge SC/ST Act, Sitapur in case Crime No. 390 of 2023, under Sections 341, 354, 392, 376D, 506, 504 I.P.C. and Section 3 (2)(v) of SC/ST Act, Police Station Pisanwan District Sitapur. The applicant-appellant is in jail since 11.11.2023.

The bail application of the applicant was rejected by the learned trial court on 23.01.2024.

The following arguments made by Shri Shivendra Shivam Singh Rathore, learned counsel on behalf of the

applicant, which could not be satisfactorily refuted by Shri Nikhil Singh, learned AGA from the record, entitle the applicant for grant of bail:

1. The incident occurred on 24.09.2023 and the F.I.R. was got lodged on 29.09.2023.
2. Delay in lodgement of the F.I.R. in the facts and circumstances of this case is fatal to the prosecution case.
3. The applicant has been nominated on account of a neighbourhood dispute between the parties.
4. The police authorities were called after the dispute occurred on 24.09.2023. The F.I.R. was as an afterthought only to leverage the criminal proceedings in the neighbourhood dispute.
5. The victim claims that she was dragged to the fields and raped. However, medical evidence does not corroborate commission of rape by the applicant with the victim and also dragging of the victim to the fields.
6. The learned trial court neglected to consider these relevant facts which were supported by material evidences in the record.
7. Prosecution evidence does not connect the applicant with the offence.
8. The applicant does not have any criminal history apart from the instant case.

In the light of the preceding discussion and facts and

circumstances of the case and in view of the nature of the offence and evidence the appellant has made out a case for bail. The trial court erred in rejecting the bail application. The impugned order dated 23.01.2024 suffers from infirmity and illegality and the same is liable to be set aside and the appeal is to be allowed.

Accordingly, the appeal is allowed and the impugned order rejecting the bail application of the appellant is set aside.

Let the appellant- **Sugreev Singh** be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

- (i) The appellant will not tamper with the evidence or influence any witness during the trial.
- (ii) The appellant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 15.3.2024

Dhananjai