

Court No. - 16

Case :- CRIMINAL APPEAL No. - 2172 of 2024

Appellant :- Bablu

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt.
Lko. And Another

Counsel for Appellant :- Bhuvan Dwivedi

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed,J.

Sri Bhuvan Dwivedi, learned counsel for the appellant, Sri Dharmesh Kumar Dwivedi and Sri Bhasker Mal, learned A.G.A. for the State are present.

This Criminal Appeal under Section 14-A (2) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been preferred against the impugned order dated 14.06.2024 passed by learned Special Judge, S.C./S.T. Court No.2, Unnao in Anticipatory Bail Application No.274 of 2024, Case Crime No.298/2023, under Sections 363, 366 I.P.C. and Section 3(2)5 of S.C./S.T. Act, Police Station Asoha, District Unnao, whereby the anticipatory bail application of the appellant has been rejected.

The contention of the learned counsel for the appellant is that no offence against the appellant is disclosed and the present prosecution has been instituted with a mala fide intention for the purpose of harassment.

Per contra, the learned A.G.A. for the State contended that from the allegation made in the F.I.R. prima facie offence is made out against the appellant. The innocence of the appellant cannot be adjudged at the pre trial stage. Therefore, the appellant does not deserve any indulgence.

After arguing at some length learned counsel for the appellant has made a request that appellant may be permitted to file his regular bail before the appropriate court of law and a direction may be issued to dispose of such application at the earliest in the light of dictum of Apex Court in **Criminal Appeal No.929 of 2021, Aman Preet Singh vs. C.B.I. through Director.**

Thus, without commenting anything on the merits of the case, the present appeal moved on behalf of the appellant is finally **disposed of** in terms that the appellant may move an

appropriate regular bail application before the trial court and if such an application is moved, the trial court shall be under an obligation to dispose of the same strictly, in accordance with the law as laid down by Hon'ble Supreme Court in **Criminal Appeal No.929 of 2021, Aman Preet Singh vs. C.B.I. through Director** after hearing the Public Prosecutor.

Order Date :- 15.7.2024

Saurabh