

**Court No. - 12**

**Case :-** CRIMINAL APPEAL No. - 2549 of 2024

**Appellant :-** Ramdev Patel

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

**Counsel for Appellant :-** Dharendra Pratap Singh

**Counsel for Respondent :-** G.A., Pashupati Nath Dwivedi

**Hon'ble Saurabh Lavania, J.**

1. Rejoinder affidavit filed today is taken on record.
2. Heard counsel for the appellant, learned counsel for private opposite party, learned A.G.A. for the State and perused the record.
3. The present appeal has been filed under Section 14-A (2) of Scheduled Castes and Scheduled Tribes Act, 1989 against the impugned order dated 07.08.2024 passed by Special Judge, SC/ST Act, Raebareli in Bail Application No.2015 of 2024, arising out of Case Crime No.253 of 2024, under Sections- 69, 115(2), 351(3), 110 and Section 87 of Bhartiya Nyaya Sahita, and Section- 3(2)(V) of SC/ST Act, Police Station- Deeh, District- Raebareli.
4. It is stated that if the story of the prosecution, as indicated in the FIR, if taken on its face value, which is to the effect that the appellant established physical relations with the opposite party no.3/victim, sister of the informant/opposite party no.2, on the pretext of false promise of marriage, then in that eventuality the case of the present appellant is squarely covered by the judgment(s) of Hon'ble Apex Court rendered in the case of **Deepak Gulati vs. State of Haryana (2013) 7 SCC 675; Sonu @ Subhash Kumar vs. State of U.P. and Another (2021) 7 SCC;** and **Mandar Deepak Pawar vs. State of Maharashtra and Another 2022 SCC OnLine SC 2110** and as such in this view of the matter, the chances of the conviction of the appellant are bleak.
5. It is further submitted that according to FIR, the victim was enticed away by the appellant on 29.06.2024 and the victim was returned back to her parental house after three days and also made the statement favourable to the appellant which relates to

relationship between the appellant and the victim, however, this is not correct.

6. It is also stated that as per FIR in issue, the marriage was denied by the appellant and, therefore, altercation took place between the family members of the appellant including the father of the appellant. The victim was assaulted and thereafter in the grove situated in the vicinity, Ramdev, Vasdev s/o Ramsewak, Deepu s/o Tej Bhan Kurmi hanged the victim with the dupatta and left the said place. The victim was thereafter found unconscious and was treated in hospital in ward no.11, bed no.6. The FIR also says that obscene video clips of the victim was made by the appellant.

7. It is further stated that the allegations in the FIR, the basis of pending criminal proceedings, are completely false and incorrect. The appellant has been implicated only on account of previous rivalry between the two families, which is explained in para 12 of the affidavit filed along with the present appeal, which has not been denied despite all the opportunities given to the counsel for the private opposite party.

8. It is also stated that the victim is a major lady, as indicated in para 14, which has also not been refuted by the learned counsel for private opposite party by filing the response to the present appeal and in this view of the matter, this can be inferred that the prosecution story is completely bogus.

9. In relation to the injuries, learned counsel for the appellant stated that the same have also not been explained after taking note of the specific averments made in para 13 of the affidavit, as such, the injuries appears to have been caused due to own act of the victim.

10. In continuation, counsel for the appellant submitted that the appellant, who is in jail since 19.07.2024, has been falsely implicated in the instant case and the entire story against the appellant, indicated by the informant and victim that the appellant established physical relations with victim on the pretext of marriage, is false and concocted.

11. He further submitted that the chances of conviction of the

appellant in the instant case are extremely bleak in view of the law related to establishing relationship on the pretext of false promise of marriage.

12. He lastly submitted that all the aforesaid aspects of the case were not considered by the trial court, as such, the present appeal is liable to be allowed and the impugned order may be set aside and the appellant be enlarged on bail.

13. Learned counsel for private opposite party as well as learned A.G.A. for the State vehemently opposed the prayer for bail, however, they could not dispute the aforesaid contentions of counsel for the appellant.

14. Considered the submissions advanced by the counsel for the appellant, learned counsel for opposite party as well as learned A.G.A. for the State and all the relevant documents placed on record.

15. Upon due consideration of the facts and circumstances of the case, submissions of counsel for the appellant and learned counsel for opposite party as well as learned A.G.A., F.I.R., impugned order, as also the observations made by Hon'ble Apex Court in the judgments, referred above, including that the appellant is in jail since 19.07.2024 as also the case of prosecution that the victim was in affair with the appellant and physical relations were established with her on the pretext of false promise of marriage and also chances of conviction of the appellant in the instant case, this Court finds that the present appeal is liable to be allowed. Accordingly, it is **allowed**.

16. Order dated 07.08.2024 passed by Special Judge, SC/ST Act, Raebareli in Bail Application No.2015 of 2024, arising out of Case Crime No.253 of 2024, under Sections- 69, 115(2), 351(3), 110 and Section 87 of Bhartiya Nyaya Sahita, and Section- 3(2)(V) of SC/ST Act, Police Station- Deeh, District- Raebareli is hereby set aside.

17. Let the appellant- **Ramdev Patel** be released on bail in the aforesaid case crime number on his furnishing personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) and two reliable

sureties each of the like amount to the satisfaction of the court concerned subject to following additional conditions :-

- (i) The appellant shall cooperate with the prosecution during trial.
- (ii) The appellant shall not tamper with the evidence during trial.
- (iii) The appellant shall not pressurize/intimidate the prosecution witness(s).
- (iv) The appellant shall not commit an offence.
- (v) The appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.
- (vi) The appellant shall remain present before the trial court on each date fixed, either personally or through counsel.
- (vii) The appellant shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court.
- (viii) The appellant shall remain present, in person, before the trial court on the dates fixed for recording of statement under Section 313 Cr.P.C.

18. In case of default of above conditions, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law

19. As this order relates to enlargement of the appellant on bail, it is clarified that observation(s) made in this order shall have no bearing on the merits of the case and the trial court shall not be influenced by any observation(s) made in this order.

**Order Date :- 22.10.2024**

Anand/-