

Court No. - 29

Case :- CRIMINAL APPEAL No. - 3587 of 2023

Appellant :- Ramendra Verma

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

Counsel for Appellant :- Rajendra Jaiswal, Anuj Dayal, Ashok Kumar Verma, Reshu Sharma

Counsel for Respondent :- G.A.

Hon'ble Ajay Bhanot, J.

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 05.12.2023 passed by the learned Special Judge SC/ST Act/Additional Sessions Judge, Lakhimpur Kheri in Case Crime No.233 of 2023 under Sections 376, 452, 323, 504, 506 IPC and Section 3(1)(da), 3(1)(dha), 3(2)(V) 3(2)(v-a) SC/ST Act, P.S. Kotwali Sadar, District Kheri. The applicant-appellant is in jail since 03.05.2023.

The bail application of the applicant was rejected by the learned trial court on 05.12.2023.

The following arguments made by Sri Anuj Dayal, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by learned AGA from the record, entitle the applicant for grant of bail:

1. The appellant and the victim were intimate.
2. The FIR is result of the opposition of the victim's

family to the said relationship after the same was exposed.

3. The victim and the applicant had consensual physical relation.

4. The appellant never gave a plighted word to marry the victim.

5. The victim has repudiated the prosecution case in her deposition before the trial court.

6. She has been declared hostile by the trial court at the instance of the prosecution.

7. Learned counsel for the applicant contends that 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 05.12.2023 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 applicant-appellant- Ramendra Verma 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 applicant-appellant will not tamper with the evidence or influence any witness during the trial.
- (ii) The applicant-appellant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 15.3.2024

Ashutosh