

**Court No. - 53**

**Case :-** CRIMINAL APPEAL No. - 741 of 2019

**Appellant :-** Rameshwar Dayal Sharma @ R.D. Sharma

**Respondent :-** State Of U.P. And Another

**Counsel for Appellant :-** Garun Pal Singh

**Counsel for Respondent :-** G.A.

**Hon'ble Umesh Chandra Tripathi,J.**

Heard learned counsel for the parties and perused the record.

This criminal appeal under Section 14A (1) of The Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'Act, 1989') has been filed on behalf of the appellant challenging the Charge Sheet No. 275 of 2018 dated 19.08.2018 and the order dated 05.01.2019 passed by Additional Sessions Judge, Court No. 2, Mathura, in Special Sessions Trial No. 165 of 2019 (State v. Rameshwar), arising out of Case Crime No. 243 of 2018, under Sections 353, 504 of the Indian Penal Code, 1860 and Sections 3(1)(Da) and 3(1)(Dha) of Act, 1989, Police Station - Refinery, District - Mathura, whereby cognizance has been taken against the appellant under the aforesaid sections.

Learned counsel for the appellant contended that from perusal of the first information report, no offence is made out against the appellant.

Per contra, learned A.G.A., contended that there is no infirmity or illegality in the order passed by the learned trial court.

From the perusal of the material on record and looking into the facts of the case, at this stage it cannot be said that no offence is made out against the appellant.

Accordingly, I find no infirmity in the impugned order passed by the trial court and as such, this appeal stands **dismissed**.

However, none of the aforesaid offences against the appellant is punishable with imprisonment for more than seven years. The police has submitted charge sheet. All the materials relevant for disposal of bail application is available on record before trial court/court concerned.

Accordingly, in exercise of extraordinary jurisdiction of this Court and in view of the order passed by this Court in the case of ***Smt. Sakeena and another v. State and another*** reported in ***2018 (2) ACR 2190***, it is directed that in case the appellant files

his bail application and also prays for interim bail, his prayer for interim bail shall be considered and decided on the same day and the regular bail shall be decided thereafter by affording an opportunity of hearing to the victim or his dependent as per the mandate of Section 15A (5) of Act, 1989.

For a period of 60 days from today or till the appellant surrenders and applies for bail, whichever is earlier, no coercive action shall be taken against him.

**Order Date :- 31.1.2019**

I. Batabyal