

**Court No. - 70**

**Case :-** CRIMINAL APPEAL No. - 48 of 2020

**Appellant :-** Vinod Singh And Anr.

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

**Counsel for Appellant :-** Sunil Kumar Singh

**Counsel for Respondent :-** G.A., Namit Srivastava

**Hon'ble Vivek Kumar Singh,J.**

Heard Sri Sunil Kumar Singh, learned counsel for the appellants, Sri Namit Srivastava, learned counsel for the opposite party and Sri Azad Singh, learned Additional Government Advocate for the State and perused the record.

This criminal appeal under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been filed challenging the order dated 16.12.2019 passed by learned Additional Sessions Judge/Special Judge SC/ST Act, Court No. 2, Ghazipur arising out of Case Crime No. 2125/2017, under section 354B, 504, 506 IPC and 3(2)(v)(a) SC/ST Act, Police Station Saidpur, District Ghazipur in which the bail application of the appellants has been rejected by the learned court below, seeking bail in the aforesaid sections.

The submission of learned counsel for the appellants is that the appellants have been falsely implicated in the present case. It is further submitted that there is evidence on record regarding village party bandi and counter blast strike in the matter and the victim who has permanent resident in same village using as a weapon for false implication has not considered. It is also submitted that the material available on the record that the appellants did not commit the alleged offence but the learned trial court has failed to appreciate the same and illegally rejected the bail application of the appellants. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have also been placed forth before the Court. The circumstances, which according to the counsel led to false implication of the accused, have also been touched upon at length. It has been assured on behalf of the appellant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required. He is languishing in jail since 23.10.2019 and undertakes that he will not misuse the liberty, if granted, therefore, he may be released on bail.

Learned counsel appearing for the opposite party vehemently opposed the prayer.

I have perused the arguments advanced by learned counsel for the parties and perused the material available on record.

Considering the facts and circumstances of the case and the arguments advanced on behalf of both the sides and keeping in view the fact that the trial of the case is not likely to be concluded in near future, the appeal has substance hence this appeal as also the bail

application are allowed and the order dated 16.12.2019 is hereby set aside.

Let the appellants ***Vinod Singh and Ram Chandra Gupta*** be released on bail in the aforesaid case crime number on his furnishing a personal bond and two reliable sureties each in the like amount to the satisfaction of the court concerned, with the following conditions:

- (1) The appellants shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, or otherwise during the investigation or trial;
- (2) The appellants shall file an undertaking to the effect that they shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. They shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 229-A of the Indian Penal Code;
- (3) The appellants shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C.; and
- (4) In case, the appellants misuses the liberty of bail during trial and in order to secure their presence proclamation under Section 82 Cr.P.C. is issued and the appellants fail to appear before the court on the date fixed in such proclamation, the trial court shall initiate proceedings against them, in accordance with law under Section 174-A of the Indian Penal Code.

In case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of bail application and must not be construed to have any reflection on the ultimate merits of the case.

**Order Date :- 28.2.2020**

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