

Court No. - 88

Case :- CRIMINAL APPEAL No. - 2373 of 2019

Appellant :- Deepak Yadav

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

Counsel for Appellant :- Vikas Tripathi, P.K. Singh, Sheshadri Trivedi, Sr. Advocate

Counsel for Respondent :- G.A.

Hon'ble Arvind Kumar Mishra-I, J.

Heard learned counsel for the appellant and learned Additional Government Advocate for the State and perused the record.

This Criminal appeal under Section 14-A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been preferred by the appellant with the prayer to set aside the order dated 6.3.2019 in Special Sessions Trial No.24 of 2016 arising out of case crime no.1189 of 2015, under Sections 302/201 IPC and Section 3(2)(5) SC/ST Act, P.S. Vijay Nagar, district Ghaziabad.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case and he has not committed any offence. The story of the prosecution has been said to be false and baseless. Peculiar circumstances of this case are itself indicative of fact that it is a bogus case without any concrete and direct evidence against the appellant. The appellant is languishing in jail since 14.10.2015. He further submits that no statement of sister of the appellant (Ganga) has been recorded by the police nor the trial court summoned her for evidence whatsoever. Similarly, the information was given to the sister of the deceased- Vimla also she also did not make any statement to any person regarding the information being given by Ganga that it so happened and the deceased was taken away by some person. In that view of the matter, the evidence in so far as the present appellant is concerned is woefully wanting in this case. He further submits that in case, he is admitted to bail, there is no possibility of his absconding and misusing the liberty of bail. It has been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever

required.

Learned Additional Government Advocate and learned counsel for the informant have vehemently opposed the bail of the appellant.

I have considered the rival submissions so made and having gone through the entire record as well as the order by which, bail application of the appellant-applicant has been rejected, impugned herein this appeal.

Nothing convincing has been argued on behalf of the complainant/ State so as to justify and sustain the order passed by the court below rejecting the bail application of the appellant.

Thus, in view of the above and having regard to the facts and circumstances of the case and keeping in view the evidence, complicity of accused, I am of the view that the appellant has made out a case for bail.

Accordingly, this appeal is allowed and the impugned order dated 6.3.2019 rejecting the bail of the appellant is set aside.

Let the accused-appellant, namely, Deepak Yadav involved in the aforesaid crime be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of Court concerned with the following conditions that :-

1. The appellant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.
2. He will cooperate in the trial bonafidely without seeking adjournments.
3. He shall not indulge in any criminal activity or commission of any crime after being released on bail.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

Order Date :- 26.3.2021

Raj