

Pramod Rai Alias Pramod Kumar Singh vs State Of U.P. And Another on 2 January, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:262

Court No. - 82

Case :- CRIMINAL APPEAL No. - 9527 of 2024

Appellant :- Pramod Rai Alias Pramod Kumar Singh

Respondent :- State of U.P. and Another

Counsel for Appellant :- Alok Kumar, Amit Daga

Counsel for Respondent :- G.A.

Hon'ble Nalin Kumar Srivastava, J.

1. 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 5.9.2024 passed by the Special Judge (SC/ST Act), Chandauli.
2. Heard learned counsel for the appellant as well as the learned AGA and perused the entire record. Despite service of notice, none is present for the opposite party no.2.
3. As per prosecution story, the major niece of the informant was eloped by Karan Yadav from the house of Priya Kumari, wife of Raghuraj, a relative of the informant, and she was further blackmailed by all the named accused persons and subsequently they took her away with them. F.I.R. was lodged and during investigation she was recovered alongwith the main accused Karan Yadav, who was arrested by the police.

4. It is submitted by the learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He has not committed the present offence. Alleged offences are not attracted against him. It is also submitted that the appellant has been assigned no role for committing physical or sexual assault with the victim. He happens to be the maternal uncle of the main accused Karan Yadav and as per the entire prosecution story and evidence collected by the Investigating Officer no role of the present appellant has come into light except one day stay of the couple in the house of the present appellant. It is further submitted that only on account of being maternal uncle of the main accused Karan Yadav, the appellant has been falsely implicated in this case. The Court concerned while passing the impugned order did not take into account the facts and evidence available on record in right perspective and erred in passing the same. Appellant is in jail since 4.8.2024. It is lastly submitted that the impugned order rejecting the bail application of the appellant suffers from infirmity and illegality warranting interference by this Court.

5. On the other hand, learned AGA opposing the prayer for bail submitted that the appellant committed the present offence having knowledge that the victim belonged to scheduled caste community. There is no infirmity or illegality in the impugned order but however, he could not dispute this factual aspect of the matter that no sexual or physical assault has been made by the present appellant with the victim.

6. I have considered the rival submissions made by the learned counsel for the parties and have gone through the entire record including the impugned order carefully.

7. Having regard to the facts and circumstances of the case and keeping in view the nature of the offence, evidence, complicity of the accused, role of the appellant, the Court is of the opinion that the appellant has made out a case for bail. The Court concerned erred in rejecting the bail application of the appellant. The impugned order suffers from infirmity and illegality and the same is liable to be set-aside and the appeal is liable to be allowed.

8. Accordingly, the appeal is allowed and the impugned order rejecting the bail application of the appellant is set-aside.

9. Let the appellant Pramod Rai Alias Pramod Kumar Singh involved in Case Crime No. 174 of 2024, under Sections 308(2), 140(1), 64(1), 115(2), 351(3), 127(2), 61(2), 123 of B.N.S. and Section 3(2)(v) SC/ST Act, P.S. Chandauli, District Chandauli be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i). The appellant will not tamper with the evidence during the trial.

(ii). The appellant will not pressurize/ intimidate the prosecution witness.

(iii). The appellant will appear before the trial court on the date fixed, unless personal presence is exempted.

(iv). The appellant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(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.

10. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 2.1.2025 safi