

Sohan Prajapati vs State Of U.P. And Another on 3 March, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:29775

Court No. - 66

Case :- CRIMINAL APPEAL No. - 11834 of 2024

Appellant :- Sohan Prajapati

Respondent :- State Of U.P. And Another

Counsel for Appellant :- Diksha Verma, Swati Agrawal Srivastava

Counsel for Respondent :- G.A., Mohd Umar Farooq

Hon'ble Sameer Jain, J.

1. The instant criminal appeal is connected with Criminal Misc. Bail Application No.17894 of 2024 as both the matter arise from the same FIR and the instant appeal has been nominated to this Bench vide order of Hon'ble The Chief Justice dated 05.02.2024.
2. Heard Ms. Swati Agrawal Srivastava, learned counsel for the appellant, Shri Suresh Bahadur Singh, learned A.G.A. for the State-respondent and Shri Mohd. Umar Farooq, learned counsel for the informant/opposite party no.2.
3. The instant criminal appeal under Section 14-A(2) S.C./S.T. Act has been filed by the appellant to set aside the bail rejection order dated 12.11.2024 passed by Special Judge, S.C./S.T. Prevention of Atrocities Act, Jaunpur and release him on bail in Case Crime No.38 of 2024, under Sections 302, 201/34 I.P.C. and Sections 3(2)(V) of S.C./S.T. Act, Police Station Gaura Badshahpur, District Jaunipur, during pendency of the trial in the court below.

4. Learned counsel for the appellant submits that initially appellant was challaned for offences under Sections 302, 201, 506 I.P.C. but during investigation when he was also made accused under the provisions of Sections 3(2)(V) of S.C./S.T. Act then he filed separate bail application for offences under Sections 3(2)(V) of S.C./S.T. Act but learned Special Judge, S.C./S.T. Act, Jaunpur dismissed his bail application on 12.11.2024.

5. She further submits that order dated 12.11.2024 passed by Special Judge, S.C./S.T. Act, Jaunpur is illegal as without considering the provisions of S.C./S.T. Act, he dismissed the bail application of appellant in the instant matter merely on the ground that for offence under Section 302 I.P.C. his bail application has already been dismissed.

6. She further submits that even from the entire material available on record, it could not be reflected, appellant committed offence under Sections 3(2)(V) of S.C./S.T. Act.

7. She further submits that after considering the entire facts of the case in detail, the bail application of the appellant for offences under Sections 302, 201, 506 I.P.C. has already been allowed by this Court today i.e. vide order dated 03.03.2025 passed in Criminal Misc. Bail Application No.17894 of 2024 and therefore, order dated 12.11.2024 is liable to be set aside and appellant should also be released on bail for offences under Sections 3(2)(V) of S.C./S.T. Act.

8. Per contra, learned AGA however opposed the prayer for bail but could not dispute the fact that during investigation, offence under Sections 3(2)(V) of S.C./S.T. Act has been added and bail application of the appellant for offences under Sections 302, 201, 506 I.P.C. has already been allowed by this Court today i.e. vide order dated 03.03.2025.

9. I have heard learned counsel for both the parties and perused the record of the case.

10. From perusal of the record, it reflects that initially appellant was challaned for offences under Sections 302, 201, 506 I.P.C. but during investigation offence under Sections 3(2)(V) of S.C./S.T. Act has been added and when he filed the bail application for offences under Sections 3(2)(V) of S.C./S.T. Act then learned Special Judge, S.C./S.T. Act dismissed his bail application on 12.11.2024 for added offence and therefore, the instant criminal appeal has been filed before this Court under the provisions of S.C./S.T. Act against the order dated 12.11.2024.

11. From the impugned order dated 12.11.2024, it reflects, court concerned failed to consider the fact that appellant sought bail for the offence under Sections 3(2)(V) of S.C./S.T. Act and it appears, learned court concerned rejected the bail application of the appellant on the ground that his bail application for offences under Sections 302, 201, 506 I.P.C. has already been rejected. Considering this fact the argument advanced by learned counsel for the appellant that order dated 12.11.2024 is illegal, cannot be brushed aside.

12. Further, even the bail application of the appellant for offences under Sections 302, 201, 506 I.P.C. has already been allowed by this Court today with a detailed order i.e. vide order dated 03.03.2025.

13. Therefore, considering the facts and circumstances of the case discussed above, the impugned order dated 11.12.2024 passed by the court concerned is illegal and is hereby set aside. The instant criminal appeal stands allowed and appellant is hereby directed to release on bail in the present matter for offence under Section 3(2)(V) of S.C./S.T. Act.

14. Let the appellant- Sohan Prajapati, be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The appellant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The appellant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The appellant shall not indulge in any criminal and anti-social activity.

15. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the appellant.

16. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of criminal appeal and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 3.3.2025 Zafar