

Sushil Kumar vs State Of U.P. Thru. Addl. Chief Secy. ... on 31 January, 2025

Author: Subhash Chandra Sharma

Bench: Subhash Chandra Sharma

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:6663

Court No. - 14

Case :- CRIMINAL APPEAL No. - 3884 of 2024

Appellant :- Sushil Kumar

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Home Lko. And Another

Counsel for Appellant :- Shailendra Singh Rajawat

Counsel for Respondent :- G.A.,Raghunath Prasad

Hon'ble Subhash Chandra Sharma,J.

Counter affidavit filed by learned A.G.A. is taken on record.

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 19.11.2024 passed by the learned Special Judge S.C./S.T. Act, Sitapur.

Heard learned counsel for the appellant, learned counsel for the complainant as well as the learned AGA and perused the entire record.

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 committed no offence. No money was taken from the complainant for providing job to his son. Money is said to be given in cash regarding which there is no any proof on record. Further submitted that the appellant is poor person and has worked on contract, therefore, he cannot be said to have assured the complainant to get employment. The Court below 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 19.11.2024. 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.

On the other hand, learned counsel for opposite party as well as AGA opposed the prayer for bail.

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.

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

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

Let the appellant Sushil Kumar involved in Case Crime No. 384 of 2021, under Sections 420, 406, 504 IPC and Section 3(1)(Da), 3(1)(Dha) 3(2)(Va) SC/ST Act, P.S. Imliya Sultanpur, District Sitapur 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.

1. The appellant will not tamper with the evidence during the trial.
2. The appellant will not pressurize/ intimidate the prosecution witness.
3. The appellant will appear before the trial court on the date fixed, unless personal presence is exempted.
4. 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.
5. 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.

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 :- 31.1.2025 Anurag Singh