

Court No. - 50

Case :- CRIMINAL APPEAL No. - 2158 of 2021

Appellant :- Motilal @ Motiram

Respondent :- State of U.P. and Another

Counsel for Appellant :- Avinash Pandey

Counsel for Respondent :- G.A., Manoj Kumar Rai

Hon'ble Arvind Kumar Mishra-I,J.

Heard learned counsel for the appellant, learned counsel for the informant, learned A.G.A. for the State and perused the material available on record.

This Criminal Appeal under Section 14-A(2) SC/ST (Prevention of Atrocities) Act 1989 has been preferred by the appellant with the prayer to set aside the order dated 07.04.2021, passed by Special Judge, S.C./S.T. Act, Saharanpur in Case Crime No. 122 of 2021, under Sections - 342, 366, 384, 506 I.P.C. & 3/5 (1) The Uttar Pradesh Prohibition of Unlawful Religious Conversion Ordinance & 67A I.T. Act, Police Station - Kotwali Dehat, District - Saharanpur.

Appellant claims to have a distinct case from the other co-accused, who had directly involved in the process of conversion of religion. The only role assigned in the statement of the victim recorded under Section - 161 Cr.P.C. is to the extent of the presence of the appellant on the spot, when conversion of the victim was being made. Except that, there is nothing concrete against the appellant. He being the neighbour of the victim has been involved in this case, on account of enmity. In case the appellant is admitted to bail, there is no possibility of his absconding or misusing the liberty of bail. The appellant has no criminal history and is languishing in jail since 20.03.2021.

Learned counsel for the informant and learned A.G.A. have vehemently opposed the prayer for bail of the appellant.

I have considered the rival submissions so made and having gone through the entire record including the order by which, bail application of the appellant 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 07.04.2021, rejecting the bail of the appellant is set aside.

Let the accused-appellant - **Motilal @ Motiram** involved in the aforesaid case crime number for the aforesaid offences be released on bail on his furnishing personal bonds and two sureties each of the like amount to the satisfaction of Court concerned subject to the condition that appellant shall cooperate in the trial and will not jump the bail.

It is made clear that advantage of this bail shall not go to the other co-accused of this case as their cases are distinguishable from the present appellant.

Order Date :- 26.8.2021

S Rawat