

Court No. - 44

Case :- CRIMINAL APPEAL No. - 3063 of 2019

Appellant :- Pradeep

Respondent :- State of U.P.

Counsel for Appellant :- Sunil Kumar Gaur, Kuldeep Kumar

Counsel for Respondent :- G.A.

Hon'ble Dr. Kaushal Jayendra Thaker, J.

Hon'ble Nalin Kumar Srivastava, J.

Ref : Criminal Misc. Bail Application No.2 of 2019.

Heard Shri Pradeep Kumar, learned counsel for the appellant and Shri Vikas Goswami, learned A.G.A. for the State.

Present bail application has been preferred by the applicant-Pradeep for releasing him on bail in Session Trial No.767 of 2013 (State vs. Pradeep) arising out of Case Crime No.613/2013, U/s 452, 326-A I.P.C., P.S. Hariparvat, District Agra.

In this case the prosecutrix who is the victim of acid attack and the accused who is the perpetrator of the crime has been identified by the prosecutrix in the Court and therefore the submission of the counsel for the appellant that he was not identified nor there was any quarrel placed insignificant. The submission of the counsel if dealt in detail may prejudice the case of the appellant herein. It is fact that he has been in jail for 9 years as the court below during trial also refused to grant him bail and rejected the same. He has been convicted for commission of offence under section 452 I.P.C. r/w section 326-A I.P.C.

The finding of the learned judge assumes great significance as submitted by Shri Vikas Goswami, learned A.G.A. that the prosecutrix is of 14 years old girl and due to this acid attack her face has been disfigured and her eyes has been disfigured, her

other body parts are also disfigured and the learned judge use the word that 'चेहरा बीभत्स हो गया है।'. This would have been a demur before the learned judge and therefore in this fact though the incarceration is of the 9 years and the appeal is of the year 2019, we cannot enlarge the accused on bail.

The bail application is hereby rejected.

We direct the Office to prepare the paper-book and list the matter on 17.10.2022 for final disposal as he is in jail for more than 9 years but his offence is not such which would permit us to grant him bail.

Order Date :- 8.9.2022

Shiv