

ITEM NO.9

COURT NO.5

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s).526/2015

DHANI RAM

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH HOME
DEPARTMENT SECRETARY & ANR.

Respondent(s)

([ONLY I.A. NO. 18545/2023 IN CRL.A. NO. 527/2015 IS LISTED UNDER THIS
ITEM.])

WITH

Crl.A. No. 527/2015 (II)

(FOR BAIL CANCELLATION ON IA 18545/2023)

IA No. 18545/2023 - BAIL CANCELLATION)

Date : 16-10-2024 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE S.V.N. BHATTIFor Appellant(s) Ms. Ashmita Bisarya, Adv.
Mr. Nirmal Kumar Ambastha, AOR

For Respondent(s) Mr. Namit Saxena, AOR

Mr. Pardeep Kant, Sr. Adv.
Mr. Anurag Kishore, AOR
Mr. Ketan Priyadarshee, Adv.
Mr. Shubham Kumar, Adv.
Mr. Lakhan Kumar Mishra, Adv.
Ms. Somna Drown, Adv.Mr. Pardeep Kant, Sr. Adv.
Mr. Anurag Kishore, AOR
Mr. Ketan Priyadarshee, Adv.
Mr. Shubham Kumar, Adv.
Mr. Lakhan Kumar Mishra, Adv.
Ms. Somna Drown, Adv.

UPON hearing the counsel the Court made the following

O R D E R

I.A. NO.18545/2023 IN CRL.A. NO. 527/2015

Heard Mr. Pardeep Kant, learned Senior Counsel appearing for the applicant. The accused is represented by Mr. Nirmal Kumar Ambastha, learned counsel. The State of Uttar Pradesh is represented by Mr. Namit Saxena, learned counsel, who supports the application for cancellation of bail.

2. The accused Ram Bahadur was granted bail by this Court on 02.05.2022 and a special condition was imposed therein that the accused will not stay in the same village as that of the complainant. It is however contended with the IA No.18545 of 2023 that the accused had violated the aforesaid bail condition. Allegation of intimidation and assault of the complainant by the accused is also averred in the said application.

3. The report of the Head Constable (GD NO.033) is enclosed as Annexure A-3. The said report indicates that when the police reached the village Hardaupatti, they learnt that the accused in Case Crime No.260/1993 i.e., Ram Bahadur, who was availing bail on the basis of the aforesaid order, is residing in the very same village. This clearly indicates that the specific bail condition imposed by this Court on 02.05.2022 was infringed by the accused.

4. In the circumstances, we are of the view that the applicant has made out a case for recall of the said bail order dated 02.05.2022 and accordingly the same is recalled. The accused - Ram Bahadur is therefore required to surrender on or before 16.11.2024. If he fails to do so, the Police must ensure his arrest and take him into custody

5. List the appeals for final hearing in the Month of January 2025.

(DEEPAK JOSHI)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR