

ITEM NO.19

Court 4 (VC)

SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No.2668/2020

(Arising out of impugned final judgment and order dated 22-04-2020 in CRLA No. 1544/2020 passed by the High Court of Judicature at Allahabad)

ANURADHA RAO

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(With appln.(s) for interim relief, exemption from filing c/c of the impugned judgment and exemption from filing O.T.)

Date : 14-08-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Namit Saxena, AOR  
Mr. Rohit Pandey, Adv.  
Mr. Varad Dwivedi, Adv.  
Ms. Silvia Kansal, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

- 1 Mr Namit Saxena, learned counsel appearing on behalf of the petitioner (the complainant) submits that while granting bail, the High Court erroneously observed that the second respondent has been convicted in connection with Case Crime No 614/2018 under Sections 376 and 506 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes

(Prevention of Atrocities) Act 1989. Mr Saxena has submitted that, as a matter of fact, the criminal proceedings are still pending and there was no occasion for the High Court to observe that the second respondent has been convicted.

- 2 While Mr Saxena is correct in making this submission, we find from the order of the High Court that in an appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, the High Court has granted the benefit of interim bail to the second respondent observing *prima facie* that there was a consensual relationship.
- 3 An appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 has been filed against the order declining bail. The High Court while issuing notice to the petitioner (the original second respondent) directed that the appeal be listed in the month of September 2020, but granted interim bail.
- 4 In the above circumstances, we are not inclined to entertain the Special Leave Petition under Article 136 of the constitution. The Special Leave Petition is dismissed.
- 5 Pending applications, if any, stand disposed of.

**(CHETAN KUMAR)**  
**AR-cum-PS**

**(SAROJ KUMARI GAUR)**  
**BRANCH OFFICER**