2026:AHC-LKO:19515

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL APPEAL No. - 567 of 2026

Farid

.....Appellant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt. Lko. And 2 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Rakesh Kumar Tripathi
Counsel for Respondent(s)	:	G.A.

Court No. - 28

HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

(Crl. Misc. Application No.1 of 2026)

Heard learned counsel for the appellant and learned AGA for the State as well as perused the record.

The present criminal appeal under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been preferred against the impugned order dated 02.01.2026 passed by the Special Judge (SC/ST Act), Sitapur in Bail Application No. 419/2025, in Case Crime No. 63/2025, under Sections 137(2), 87 of BNS and Section 3(2)5 of SC/ST Act, Police Station Atariya, District Sitapur, whereby the bail application of the appellant has been rejected.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case. He further submits that the appellant was previously enlarged on bail by this Hon'ble Court on 23.09.2025 and had been regularly attending court proceedings. He next submits that the appellant was present in court on 15.11.2025, but the matter was adjourned to 20.12.2025 as the witness was absent and the Presiding Officer was on leave. He further submits that the appellant's absence on 20.12.2025 was neither deliberate nor intentional, but occurred because the appellant, who works as a truck driver, was suffering from fever in Bahraich while in the course of his employment. He next submits that the appellant's counsel also failed to appear to cross-examine the witness on that date despite prior assurances. He further submits that the appellant has no criminal history prior to this case, as the two other cases mentioned involve the same prosecutrix and resulted in a Final Report or prior bail. The appellant is languishing in jail since 22.12.2025. He further submits that in case the appellant is enlarged on bail, he shall not misuse the liberty of bail, shall fully cooperate with the trial, and there is no possibility of him intimidating or pressurizing the witnesses.

For the aforesaid reason, learned counsel for the appellant submits that the instant criminal appeal deserved to be allowed and the impugned order dated 02.01.2026 may be set aside and consequently, the appellant deserves to be enlarged on bail

Per contra, learned A.G.A. has opposed the prayer for bail by submitting that the appellant violated the conditions of the previous bail order by remaining absent from the trial court, leading to the issuance of a Non-Bailable Warrant; however, he could not dispute the factual submissions that the prosecutrix, in her statements under Sections 180 and 183 of the BNSS, claimed to be an adult and stated she left of her own volition.

Considering the submissions of learned counsel for the parties and on perusal of the material available on record, it transpires that the victim has not supported the prosecution's story of enticement; the appellant has no criminal history and he has been in custody since December 22, 2025. The Court also considered the explanation that his absence on December 20, 2025, was due to illness while in Bahraich for work. Without expressing any opinion on the merits of the case, this Court is of the view that the learned court below failed to appreciate the mitigating circumstances and the victim's own testimony, thus, the order dated January 2, 2026, passed by the Special Judge (SC/ST Act), Sitapur, is liable to be set aside.

Accordingly, the appeal is **allowed**. Consequently, the impugned order dated 02.01.2026 passed by Special Judge (SC/ST Act), Sitapur is hereby set aside.

Let the appellant— **Farid** be released on bail in the aforesaid case crime number on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned, subject to following additional conditions:

(i) The appellant shall cooperate with the prosecution during trial.

(ii) The appellant shall not tamper with the evidence during trial.

(iii) The appellant shall not pressurize/intimidate the prosecution witness(s).

(iv) The appellant shall not commit an offence.

(v) The appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.

(vi) The appellant shall remain present before the trial court on each date fixed.

(vii) The appellant shall not seek any adjournment when witnesses are present. (viii) The appellant shall remain present, in person, for recording of statement under Section 313 Cr.PC., if required.

In case of default of above conditions, it shall be open for the trial court to treat it as

abuse of liberty of bail and pass orders in accordance with law.

March 18, 2026
Haseen U.

(Pramod Kumar Srivastava,J.)

Digitally signed by :-
HASEENUDDIN
High Court of Judicature at Allahabad,
Lucknow Bench