



In the Court of Special Judge [S.C./S.T. (Prevention of Atrocities) Act]

Present: Ashok Kumar XIII (J.O. Code - UP2392)

Bail Application No. 1015/2026

Yogendra alias Yogi, son of Brijesh Kumar, resident of Village Rewari, Police Station Sakeet, District Etah

versus

State of Uttar Pradesh

Under sections - 323, 504, 506 IPC &
3(2)(va) SC/ST Act

Case Crime No.- 46/2024

Police Station - Sakeet, District Etah

Date:16.06.2026

1. This is regular bail application moved on behalf of the applicant/accused - Yogendra alias Yogi, seeking release in Case Crime No. 46/2024, registered under Sections 323, 504, 506 of the Indian Penal Code, 1860, and Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Sakeet, District Etah. The present application constitutes the first bail petition filed by the applicant before any court. Since the offences alleged invoke provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, due notice has been served upon the complainant for the hearing of this bail application as per statutory procedure. As per court record the applicant was initially granted interim bail but failed to appear on 29.05.2026, leading to the issuance of bailable warrants for 15.06.2026. Following his continued absence on next date, non-bailable warrants were issued, culminating in his physical presence on 15.06.2026 and subsequent remand to judicial custody.
2. The factual matrix of the prosecution case, as delineated in the First Information Report, is that on March 25, 2024, at approximately 7:00 PM, the informant, Pradeep Kumar, along with his brother Prabal Kumar, had gone to their fields for irrigation. It is alleged that upon parking their motorcycle near the cremation ground, the accused persons, including the applicant, who were purportedly consuming alcohol there, initiated a verbal altercation using abusive language under the influence of intoxication. The

prosecution asserts that the accused proceeded to physically assault the informant and his brother using belts, inflicting severe injuries upon them. The First Information Report further states that the accused persons belong to a dominant community, whereas the victims belong to a scheduled caste community, a fact allegedly known to the accused. The narrative concludes that upon hearing the victims' cries and seeing other individuals approach, the accused fled the scene while issuing threats to kill the victims.

3. The learned counsel for the applicant vehemently argued that the applicant has been falsely implicated in the present crime owing to village factionalism and pre-existing enmity. It has been asserted that the applicant is entirely innocent and did not commit any such offence as alleged. The defense contends that the prosecution story is wholly false and fabricated. It was specifically pleaded that the applicant neither used any abusive language nor hurled any caste-based slurs at the victims. The counsel further submitted that there are no independent or impartial witnesses to corroborate the alleged incident. Additionally, it was argued that the applicant did not issue any death threats, did not assault anyone, and no injuries were sustained by the alleged victims. The defense highlighted that there is an unexplained delay in lodging the First Information Report. The applicant is portrayed as a respectable resident of the village with no prior criminal history. It was also averred that the applicant is willing to furnish reliable sureties and will not misuse the liberty of bail if granted.
4. The learned Additional District Government Counsel (Criminal) strongly opposed the bail application, arguing that the allegations against the applicant involve physical assault and the use of derogatory language, thereby demonstrating the gravity of the offence. The prosecution contended that releasing the applicant could lead to the tampering of evidence or intimidation of prosecution witnesses. Special emphasis was placed on the applicant's prior conduct during the trial proceedings; the prosecution highlighted that the applicant jumped interim bail on 29.05.2026, and deliberately evaded the process of the court despite the issuance of bailable warrants on 15.06.2026. It was argued that this conduct exhibits a clear flight risk and blatant disregard for judicial orders, which necessitated the issuance of non-bailable warrants. However, the prosecution did not dispute the absence of any prior criminal history against the applicant as averred by the defense.
5. The core accusation against the applicant pertains to participating in a physical assault and hurling abusive language. The primary grounds urged for bail are the alleged false implication due to village enmity, the absence of independent witnesses, the lack of criminal antecedents, and the

assertion that the applicant is a respectable individual. Upon a careful analysis of the facts, the court acknowledges the principles laid down by the Hon'ble Supreme Court in ***Satender Kumar Antil v. Central Bureau Of Investigation And Another (2022 INSC 690)***, which categorize offences under Special Acts like the SC/ST Act under Category C, necessitating careful evaluation based on specific case merits and statutory requirements. While the court views the applicant's conduct of jumping interim bail on May 29, 2026, and evading appearances until non-bailable warrants were executed on 15.06,2026, with strict displeasure, it must also be weighed against his eventual surrender and present custody. Balancing this procedural lapse with the substantive merits, including the fact that the applicant possesses no prior criminal history and the necessity to ensure a fair trial where the accused can adequately defend himself without prolonged pre-trial incarceration, this court finds sufficient grounds to extend the concession of liberty, subject to stringent conditions to secure future attendance. Considering the totality of facts and circumstances, the submissions made, and the material on record, the applicant is granted bail.

Order

The bail application of accused Yogendra alias Yogi, son of Brijesh Kumar, resident of Village Rewari, Police Station Sakeet, District Etah in Case Crime No. 46/2024, under Sections 323, 504, 506 of the Indian Penal Code, 1860, and Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Police Station Sakeet, District Etah is hereby allowed. The applicant/accused shall be released on bail upon furnishing a personal bond in the sum of **20,000** and **one surety** each in the like amount to the satisfaction of the court concerned.

The bail is granted subject to the following conditions:

1. The applicant/accused shall appear before the court concerned on each date fixed in the case.
2. The applicant/accused shall not tamper with the prosecution evidence nor pressurize the prosecution witnesses.
3. The applicant/accused shall not indulge in any criminal activity or commission of any crime after being released on bail.
4. The applicant/accused shall not leave the country without prior permission of the court.
5. The applicant/accused shall inform the court regarding any change in their residential address.

In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail.

Date: 16.06.2026

(Ashok Kumar XIII)

Special Judge [S.C./S.T. (Prevention of
Atrocities) Act] , Etah