

UPET010007192026



In the Court of Special Judge [SC/ST (PA) Act] Etah

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

Bail Application No. 323 / 2026

1. Abhaypal Singh, aged about 47 years, son of Shri Kayam Singh
2. Harvir Singh alias Kanhaiya, aged about 29 years, son of Shri Abhaypal Singh
3. Yadvendra alias Banjara, aged about 23 years, son of Shri Abhaypal Singh

All residents of Nagla Sujan, Police Station Nidhauri Kalan, District Etah.

... Applicants/Accused

versus

State of Uttar Pradesh

Under Sections: 115(2), 352, 351(2) of the Bhartiya Nyaya Sanhita, 2023 and Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Case Crime No: 160 / 2025

Police Station: Nidhauri Kalan, Dist. - Etah

Date: 12.03.2026

1. The present regular bail application has been moved on behalf of the applicants/accused, namely Abhaypal Singh, Harvir Singh alias Kanhaiya, and Yadvendra alias Banjara, seeking their release in connection with Case Crime No. 160/2025, involving offences under Sections 115(2), 352, and 351(2) of the Bhartiya Nyaya Sanhita (BNS), 2023, along with Section 3(2)(va) of the SC/ST (Prevention of Atrocities) Act. This is the first bail application on behalf of the applicants. It is stated that no other bail application is pending or has been rejected by any other competent court or the Hon'ble High Court. Since the matter involves provisions of the SC/ST Act, it is noted that notice has been duly served upon the

complainant/victim as per the prescribed legal procedure to ensure their representation during the hearing of this application.

2. The brief facts of the prosecution case, as per the First Information Report (FIR) lodged by the complainant Vijay Kumar, are that on July 16, 2025, at approximately 03:50 PM, the complainant was eating snacks (padake) from a vendor. After eating, he threw the disposable leaf bowl (dona) into a drain. This act allegedly offended the accused persons—Abhaypal Singh, Harvir Singh, and Yadvendra—who began abusing him. When the complainant protested against the verbal abuse, the three accused reportedly assaulted him, resulting in a head injury. Furthermore, they allegedly issued death threats and assaulted the complainant's sister, Suman, and mother, Mamta Devi.
3. Learned counsel for the applicants argued that the accused have been falsely implicated due to village-level party politics and enmity. It was submitted that there is a significant delay of approximately two days in lodging the FIR, as the incident occurred on July 16, 2025, but the report was filed only on July 18, 2025, without any plausible explanation. The defense contends that the story was fabricated after consultation. It was further argued that there is no independent or impartial witness to the incident; all named witnesses are close relatives of the complainant. Crucially, it was pointed out that the FIR does not mention the use of caste-based slurs, thereby making the invocation of the SC/ST Act groundless. The applicants further claimed that a settlement (Rajinama) had been reached immediately after the incident through the intervention of village elders. Lastly, it was submitted that the applicants have no criminal history, are not previous convicts, and will not misuse the liberty of bail.
4. The prosecution strongly opposed the bail application through the police report. It was submitted that there is sufficient evidence recorded in the Case Diary to implicate the accused persons in the commission of the crime. While the prosecution admitted the delay in the FIR, it attributed the same to the complainant's own circumstances. The prosecution further contended that the alleged settlement (Rajinama) is not legally valid. Concerns were raised that if released, the applicants might influence or intimidate the witnesses, which would adversely affect the collection of evidence and the trial process. The prosecution also expressed apprehension that the accused might abscond from the proceedings of the court.

5. Having considered the core accusations, it appears the dispute originated from a trivial matter regarding the disposal of a snack bowl, which escalated into a physical altercation. The main grounds for bail include the delay in the FIR, the lack of independent witnesses, the absence of specific caste-based allegations in the initial report, and the applicants' clean criminal record. In the case of ***Satender Kumar Antil v. Central Bureau Of Investigation And Another (2022 INSC 690)***, the Hon'ble Supreme Court categorized offences to streamline bail. While the prosecution fears witness tampering, such apprehensions are general in nature and can be mitigated by imposing strict conditions. Considering the nature of the injuries, the fact that the applicants have no prior criminal history, and that they are already on interim bail without any reported misuse of such liberty, the court finds it a fit case for bail. Considering the totality of facts and circumstances, the submissions made, and the material on record, the applicants are granted bail.

Order

The bail application of accused (1) Abhaypal Singh, son of Shri Kayam Singh, (2) Harvir Singh alias Kanhaiya, and (3) Yadvendra alias Banjara, sons of Shri Abhaypal Singh, all residents of Nagla Sujana, Police Station Nidhauri Kalan, District Etah, in Case Crime No. 160/2025, under Sections 115(2), 352, 351(2) BNS and Section 3(2)(va) SC/ST Act, Police Station Nidhauri Kalan, District Etah is hereby allowed.

The applicants/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 applicants/accused, being already on interim bail, shall furnish the aforesaid sureties within 15 days from today before the court concerned; the personal bond already furnished shall remain in force.

The bail is granted subject to the following conditions:

1. The applicants/accused shall appear before the court concerned on each date fixed in the case.
2. The applicants/accused shall not tamper with the prosecution evidence nor pressurize the prosecution witnesses.
3. The applicants/accused shall not indulge in any criminal activity or commission of any crime after being released on bail.

4. The applicants/accused shall not leave the country without prior permission of the court.
5. The applicants/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: 12.03.2026

Ashok Kumar XIII
Special Judge [S.C./S.T. (Prevention of
Atrocities) Act]
District Etah