

UPET010009242026



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

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

Bail Application 374 /2026

Anil Kumar Yadav, aged about 32 years, son of Gaurishankar, resident of Village Jhinwar, Police Station Nidhauri Kalan, District Etah, currently residing at Mohalla Lalpur Etah, Police Station Kotwali Nagar, District Etah.

versus

State of Uttar Pradesh

Under Section - 4/25 of the Arms Act

CCN - 342 /2012

Police Station – Kotwali Nagar, District
Etah

Date: 10.03.2026

1. This is the second regular bail application moved on behalf of the applicant, Anil Kumar Yadav. The applicant seeks release on regular bail in Case Crime No. 342 /2012, under Section 4/25 of the Arms Act, registered at Police Station Kotwali Nagar, District Etah.
2. The case stems from allegations under Section 4/25 of the Arms Act for keeping a knife in contravention of licence and the applicant is currently facing Session Trial No. 358 of 2012 in relation to these charges.
3. The primary grounds for this second bail application are that the applicant's first bail application was previously allowed by the court. The applicant contends that he was regularly appearing on each fixed date. It is submitted that the applicant appeared before the court until 17-02-2025. On 24-03-2025, the applicant was convicted and sentenced to 7 years of imprisonment by the Fast Track Court (FTC) II, Etah, in Session Trial No. 507/2011, arising out of Case Crime No. 34/2011, Police Station Jaithra. Consequently, he was lodged in District Jail, Etah, which prevented his appearance in the present matter and led to the issuance of warrants

by the court. The record reflects that he subsequently appeared via video conferencing from the jail on 15-05-2025 and 21-05-2025. The applicant asserts that he is entirely innocent. He further undertakes that he is prepared to furnish appropriate sureties and will not misuse the liberty of bail if granted.

4. The prosecution vehemently opposed the bail application, emphasizing the applicant's criminal history and the necessity to secure his presence for trial. The prosecution highlighted that the applicant has a confirmed conviction, having been sentenced to 7 years in Session Trial No. 507/2011 (Case Crime No. 34/2011) at Police Station Jaithra. Additionally, the prosecution pointed out that the applicant is implicated in another serious matter under Sections 147, 148, 149, and 307 of the Indian Penal Code at Police Station Jaithra, District Etah, although he is currently on bail in that case. The prosecution argued that granting bail poses a risk given this established criminal background.
5. The core accusation against the applicant pertains to an offense under Section 4/25 of the Arms Act. The applicant's primary defense for his non-appearance is his subsequent incarceration in District Jail Etah following a conviction in an unrelated trial. Upon analyzing the facts, it is evident that the applicant's absence after 17-02-2025 was not due to deliberate absconding but rather his confinement in a correctional facility. The Court considers the principle laid down in ***Satender Kumar Antil v. Central Bureau Of Investigation And Another (2022 INSC 690)***, wherein offenses are categorized to tailor bail decisions based on severity. The guiding principle is that bail is more readily available to promote quicker release. Although the applicant has a documented criminal history, including a conviction and pending charges under Section 307 IPC, the default in the present Session Trial No. 358 of 2012 is sufficiently explained by his judicial custody. 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 Anil Kumar Yadav, son of Gaurishankar, resident of Village Jhinwar, Police Station Nidhauri Kalan, District Etah, currently residing at Mohalla Lalpur Etah, Police Station Kotwali Nagar, District Etah in Case Crime No. 342 /2012, under Section 4/25 of the Arms Act, Police Station Kotwali Nagar, District Etah is hereby allowed.

The applicant/accused shall be released on bail upon furnishing a personal bond in the sum of Rs. 20000/- and one sureties each in the like amount to the satisfaction of the court on 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: 10.03.2026

(Ashok Kumar XIII)
Special Judge [SC/ST (PA) Act]
Etah