

UPET010009532026



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

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

Anticipatory Bail Application No. 389/2026

1. Ehsan Khan, aged about 40 years, son of Fakire Khan, resident of Village Nagla Achal, Police Station Jasrathpur, District Etah.
2. Israr Khan, aged about 55 years, son of Fakire Khan, resident of Village Nagla Achal, Police Station Jasrathpur, District Etah.

versus

State of Uttar Pradesh

Under sections - 115(2), 333, 351(2), 353(1) of 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. - 107/2025

Police Station - Jasrathpur, Etah.

Date: 16.03.2026

1. This anticipatory bail application has been moved on behalf of the applicants/accused, Ehsan Khan and Israr Khan, sons of Fakire Khan, seeking pre-arrest bail in connection with Case Crime No. 107/2025. The application is supported by an affidavit and seeks protection against arrest for alleged offenses under Sections 115(2), 333, 351(2), and 353(1) of the Bhartiya Nyaya Sanhita, 2023, along with Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. As the matter involves provisions of the SC/ST Act, a notice has been duly served upon the complainant to ensure representation and hearing in accordance with the prescribed legal procedure.
2. The core narrative of the prosecution, as derived from the First Information Report (FIR) lodged by the complainant, Prakash Jatav, suggests that the

applicants frequently harassed him for money to fund their consumption of alcohol and meat. It is alleged that on October 19, 2025, at approximately 11:30 AM, the applicants arrived at the complainant's residence in an Alto car. The FIR states that the applicants used derogatory, caste-based slurs against the complainant and physically assaulted him with kicks, punches, and sticks inside his home because he had failed to provide the money demanded the previous day. Furthermore, it is alleged that when the complainant's wife intervened to save him, she was also subjected to verbal abuse. The complainant further alleges that the applicants extended life threats before leaving the scene.

3. In the bail application, the applicants have vehemently denied the allegations, labeling them as false, baseless, and concocted. The primary ground urged by the applicants is that the FIR was lodged due to existing local political enmity arising from village Pradhan elections. They contend that no such incident as described in the FIR ever took place and that they have been framed maliciously. It is further submitted that the applicants have no prior convictions and are willing to provide substantial sureties to ensure their cooperation with the judicial process, promising not to misuse the liberty of bail if granted.
4. The prosecution has strongly opposed the grant of anticipatory bail, placing heavy reliance on the statutory bar and the criminal antecedents of the applicant Ehsan Khan. It is argued that the allegations involve specific caste-based insults and physical violence, which squarely attract the provisions of the SC/ST Act. The prosecution highlights that applicant Ehsan Khan is a history-sheeter at Police Station Jasrathpur with more than 20 criminal cases registered against him across various districts, including pending Gangster Act proceedings. Given the gravity of the offense, the specific accusations of using caste-based derogatory language in a public view/private residence, and the significant criminal history of the applicant, the prosecution contends that there is a high risk of witness intimidation and flight from justice.
5. Upon a careful examination of the facts, it is evident that the allegations in the FIR contain specific accusations of the use of caste-based derogatory language and physical assault, which prima facie points toward the commission of an offense under the SC/ST Act. The court must take into account Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, which creates a specific bar against the applicability of Section 438 of the Cr.PC (anticipatory bail). The applicants cited the case of ***Kiran vs. Rajkumar Jivraj Jain & Another* (2025 INSC 1067)**, which clarifies that while a court may exercise discretion if no prima facie case is made out "at first blush," the allegations here are specific and

detailed. Furthermore, the significant criminal history of applicant Ehsan Khan, involving over 20 cases, suggests a habitual involvement in criminal activities that militates against the exercise of discretionary relief. Following the principles laid down in ***Sushila Aggarwal v. State (NCT of Delhi)*** and considering the absolute statutory bar under Section 18 where a prima facie case exists, this court finds that the accusations are not "devoid of merit" or "purely malicious" at this stage. Considering the totality of facts and circumstances, the submissions made, and the material on record, the applicants are denied bail.

Order

The anticipatory bail application of accused 1. Ehsan Khan, son of Fakire Khan, and 2. Israr Khan, son of Fakire Khan, residents of Village Nagla Achal, Police Station Jasrathpur, District Etah, in Case Crime No. 107/2025, under Sections 115(2), 333, 351(2), and 353(1) of the Bhartiya Nyaya Sanhita, 2023, and Section 3(2)(va) of the SC/ST Act, Police Station Jasrathpur, District Etah, is hereby rejected.

Date:16.03.2026

(Ashok Kumar XIII)

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