



UPHR010046042026

In the Court of Special Judge, SC/ST (P.A) Act, Hardoi.

Complaint No.- 76/2023

Devsharan Dwived-----Applicant/Accused

Versus

Ramphajan----- Opposite Party.

Surrender Application dated- 23.07.2026,

Bail Application No.- 2161/2026,

U/S- 323, 504 IPC

& 3(1)(r) SC/ST (PA) Act,

Police Station- Kachhauna

District Hardoi.

Date- 23.07.2026

Order to furnish personal bond without taken into custody

1. Vide letter no. 14293/Admin. G-II 04.11.2025, the Hon'ble High Court circulated the case law of **Bacchi Devi Vs. State of U.P. and Another**, Criminal Misc. Application U/S 528 BNSS, No.- 6400 of 2025, wherein Hon'ble High Court passed the following directions in Para 38 of the judgment:-

"(i) All District Judges shall ensure that, in case where the charge-sheet has been filed without arrest- whether because custodial interrogation was not effected during investigation by Investigating Officer, or the accused had secured anticipatory bail/protective orders under Article 226 of the Constitution or Section

528 of the BNSS and duly cooperated during investigation—the trial court **shall not remand the accused to judicial custody upon appearance** pursuant to summons, nor insist upon filing of regular or anticipatory bail applications. The accused shall be permitted to appear and furnish a personal bond at the first instance, in terms of *Musheer Alam (supra)* and *Satender Kumar Antil (supra)*. The requirement of surety under Section 91 BNSS may be considered subsequently at the court's discretion to ensure appearance of the accused."

2. In the present matter the accused person Sumit Singh has been summoned u/s 323, 504 IPC and 3(1)(r) SC/ST Act vide order dated 05-03-2025 and custodial interrogation, at this stage, is not required.

3. In view of the aforesaid direction passed by the Hon'ble High Court, the accused namely **Devsharan Dwived** is directed to furnish a personal bond of Rs. 20,000 without taken into custody.

4. As regards the provisions of Section 15A (3) and (5) of the SC/ST (P.A.) Act, it is observed that since the accused is not taken into custody, no question of bail arises at this stage and therefore no notice to the complainant-victim is required. Nevertheless, the right of the complainant-victim to be heard under Section 15A (3) and (5) shall remain preserved for any future proceedings relating to bail or discharge. Accordingly, surrender application and bail applications are disposed of.

(Gyanendra Tripathi)

Date– 23.07.2026

Special Judge, SC/ST (P.A.) Act,

Hardoi.

I.D No. UP1574