

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

**Present: Shri Rakesh Pandey
(J.O. Code No.- UP 2397)**



UPST010061012026

State vs Aslam Beg and another

Date 09.07.2026

1. The present Anticipatory Bail application has been moved by applicants **Aslam Baig and Mirja Athar @ Aman Baig** in Crime No. 378/2024, under Section 323, 504, 506, 452, 354, 392 IPC & Sec 3(2)(v) SC/ST Act.

2. Prosecution story, in brief, is that the informant, Mamta, at Police Station Gosainganj, District Sultanpur, alleging that on 09.06.2024 at about 6:00 p.m., the opposite parties, Aslam Beg and Aman Beg, owing to previous enmity, came to her house, abused her by using caste-indicative words and, upon her protest, trespassed into her house, assaulted her, outraged her modesty by tearing her clothes and robbed her of her mangalsutra, earrings and gold nose pin and they also threatened to kill her husband.

3. The submission of learned counsel for applicant is that the wife of applicant Aslam Beg is the present Gram Pradhan and owing to political rivalry arising therefrom, the applicants have been falsely implicated in the present case. This is his first bail application. No other bail application is pending in this Court or Hon'ble High Court. Hence, applicant is entitled to anticipatory bail.

4. Ld. Special Public Prosecutor (Criminal) is present and has opposed the application, submitting that in view of the provisions of Section 18-A(2) and Section 3(2)(v) of the S.C./S.T. Act, the present anticipatory bail application is not maintainable.

Heard and perused the provision of Section 18-A(2) and Section 3(2)(v) of S.C./S.T. Act, as well as, citations placed by applicant's counsel.

5. By inserting any Section 18-A w.e.f 17.08.2018, Parliament overruled legislatively the direction of the Hon'ble Supreme Court on arrest, enquiry and anticipatory bail as issued in the case of **Sohit Kumar & Others vs State of U.P. & Anr., 2023(3) JIC 552 (All)**. New Section 18-A is reproduced as under:

For the purpose of this Act:-

(a) Preliminary enquiry shall not be required for registration of a FIR against any person.

(b) The Investigating Officer shall not require approval for the arrest, if necessary, of any person.

The provision of Section 438 of the Code shall not apply to a case under this Act, notwithstanding any judgment or order or direction of any Court.

6. In case of **Prathvi Raj Chauhan vs. Union of India and Others** Judgment dated 10.02.2023 in writ petition (C) No. 1016 of 2018 Hon'ble Apex Court has held in paragraph 20 :-

“While considering any application seeking pre-arrest bail, the High Court has to balance the two interests: i.e. that the power is not so used as to convert the jurisdiction into that under Section 438 of the Criminal Procedure Code, but that it is used sparingly and such orders made in very exceptional cases where no prima facie offence is made out as shown in the F.I.R. any further also that if such orders are not made in those classes of cases, the result would inevitably be a miscarriage of justice or abuse of process of law. I consider such stringent terms, otherwise contrary to the philosophy of bail, absolutely essential, because a liberal use of the power to grant pre-arrest bail would defeat the intention of Parliament.”

7. From the above report it is apparently clear that there is prima facie evidence against the accused persons which is available on record. In view of aforesaid observation and in the light of statutory provision as well as citations aforementioned this anticipatory bail is not maintainable.

Accordingly, the anticipatory bail application is rejected.

Order

The anticipatory bail application submitted by the applicants **Aslam Baig and Mirja Athar @ Aman Baig** is rejected.

Sd/-

(**Rakesh Pandey**)

Special Judge S.C./S.T.(P.A.) Act
Sultanpur
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Dt. 09.07.2026

(Sudhir Singh - Stenographer)