



2026:AHC:55421

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1841 of 2026

Ashif

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s) : Krishna Pratap Yadav
Counsel for Respondent(s) : G.A.

Court No. - 50

HON'BLE SHEKHAR KUMAR YADAV, J.

1. Heard learned counsel for the appellant, learned A.G.A. for the State and perused the record. Learned A.G.A. pointed out that the notice has been served upon the opposite party no.2.

2. This Criminal appeal has been filed by the learned counsel for the appellant under Section 14-A (2) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the impugned order dated 8.12.2025 passed by Additional District & Session Judge/Special Judge, SC/ST (P.A.) Act, Sambhal at Chandausi in bail application no. 2923 of 2025 and to release him in Case Crime No. 85 of 2024, under Sections 376D IPC and Section 3(2)(5) of SC/ST Act, Police Station- Chandausi, District Sambhal.

3. As per the prosecution case, there is allegation against the appellant that he has enticed away to the victim.

4. Learned counsel for the appellant submits that the appellant-applicant has been falsely implicated in the present case. The appellant has not committed the alleged offence. The appellant has no concern with the alleged incident. False allegation has been made against the appellant. There is no cogent evidence against the appellant. The FIR of the alleged incident is delayed by 15 days and there is no satisfactory explanation for this delay. As per the FIR, the victim is aged about 19 years and she is major. The medical report does not support the prosecution version. It is stated that the statement of the informant was recorded by the trial court

on 1.7.2025 where he has examined as P.W. 1. He has not supported the prosecution case. deposition of the victim (P.W.2) has also been completed in which she has stated that she had gone with the co-accused Ahmad of her own free will, traveled with him to Delhi and resided there for some which shows that the victim is consenting party. It has further been submitted by the learned counsel for the appellant that co-accused Rashid has already been granted bail vide order dated 25.11.2025 in Criminal Appeal no. 9704 of 2024, therefore the appellant is also entitled for bail on the ground of parity. The The appellant is in jail since 13.6.2024.

5. On the other hand, learned AGA has opposed the prayer for bail.

6. I have considered the rival submissions made by the learned counsel for the parties and have gone through the entire record including the impugned order carefully.

7. Having regard to the facts and circumstances of the case and keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, the Court is of the opinion that the appellant has made out a case for bail.

8. Accordingly, the appeal is allowed and the impugned order rejecting the bail application of the appellant is set-aside.

9. Let the appellant **Ashif**, involved in the aforesaid case crime number be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The appellant will cooperate with the prosecution during trial.

(ii) The appellant will not tamper with the evidence during trial.

(iii) The appellant will not pressurize/intimidate the prosecution witness(es).

(iv) The appellant shall not commit an offence.

(v) The appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.

(vi) The appellant shall remain present before the trial court on each date fixed, either personally or through counsel.

(vii) The appellant will not seek any adjournment on the dates fixed for evidence when the witnesses are present in court.

(viii) The appellant shall remain present, in person, before the trial court on the dates fixed for recording of statement under Section 313 Cr.P.C.

10. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before the competent Court.

(Shekhar Kumar Yadav,J.)

March 18, 2026

A.