



2026:AHC:56473

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1852 of 2026

Deepak

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)

: Mukesh Joshi

Counsel for Respondent(s)

: G.A., Jai Prakash Prasad

Court No. - 50

HON'BLE SHEKHAR KUMAR YADAV, J.

1. Heard learned counsel for the appellant, learned counsel for the informant and learned AGA as well as perused the entire record.

2. The present criminal appeal under Section 14-A(2) Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act has been filed by the appellant - **Deepak** to set aside the bail rejection order dated 28.1.2026 passed by Special Judge SC/ST (P.A.) Act, Moradabad in Ist Bail Application No. 208 of 2026 CNR No. UPMO010004242026 (Deepak Vs. State of U.P.) arising out of Case Crime No. 1213 of 2025, under Sections 69, 351(2) of B.N.S. and Section 3(1)s, 3(2)5 of SC/ST Act, P.S.- Majhola, District- Moradabad with a further prayer to enlarge the appellant on bail in the aforesaid case.

3. As per prosecution story, it is alleged that the appellant trapped the victim in love by giving false promise of marriage and committed rape with her several times since one year and when the victim asked the appellant for marriage, the appellant denied for marriage and threatened her for life.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The applicant has not committed any offence as alleged in the impugned FIR. As per statement of the victim, she is major aged about 22 years. There are major contradiction in the statement of the victim recorded under Section 180 & 183 BNSS. Medical also does not support the prosecution story. Learned counsel for the appellant has drawn attention of this Court towards FIR bearing Case Crime No.194 of 2023 which was lodged by her mother and the victim herself approached this Court against challenging the said FIR in Writ -C No.20136 of 2023, for protection to live in relation, copy of the writ petition is annexed as Annexure No.13 to the affidavit. He further submits that the victim is a consenting party and as such, prima faice, no case is made out against the appellant. Learned counsel for the appellant further submits that the impugned order rejecting the bail application of the appellant suffers from infirmity and illegality warranting

interference by this Court. Appellant is languishing in jail since 24.12.2025 having no criminal history.

5. On the other hand, learned AGA as well as learned counsel for the informant have opposed the application for bail but could not dispute the submission raised by learned counsel for the appellant.

6. Having regard to the facts and circumstances of the case and keeping in view the nature of the offence, evidence, complicity of the accused, role assigned to the present appellant and the nature of injury, the Court is of the opinion that the appellant has made out a case for bail.

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

8. Let the appellant- **Deepak**, involved in 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 not tamper with the evidence during the trial.

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

(iii) The appellant will appear before the trial court on the date fixed, unless personal presence is exempted.

(iv) The appellant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(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.

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

March 19, 2026
Krishna*

(Shekhar Kumar Yadav,J.)