



2026:AHC:55328

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 11639 of 2025

Arif

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s) : Shahnawaz Akhtar
Counsel for Respondent(s) : G.A.

Court No. - 50

HON'BLE SHEKHAR KUMAR YADAV, J.

1. Counter affidavit on behalf of State has been filed today, is taken on 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 to set aside the bail rejection order dated 17.11.2025 passed by Special Judge (SC/ST Act) Bareilly in Bail Application No.4886 of 2025 under Sections 70(1), 351(3), 140(4), 3(5) BNS and Section 3(2)(V) SC/ST Act arising out of First Information Report date 10.09.2025 in Case Crime No.633 of 2025, under Sections 70(1), 351(3) BNS and Section 3(2)(V) of SC/ST (Prevention of Atrocities) Act, Police Station Anola, District Bareilly.
3. Heard learned counsel for the appellant, the learned AGA for the State-respondent no.1 and perused the entire record. Despite service of notice, none has appeared on behalf of respondent no.2.
4. Submission of learned counsel for the appellant is that the appellant is innocent and has been falsely implicated in this case. The appellant has not committed any offence as alleged in the impugned FIR. Prosecution story is totally false and fabricated. As per allegation, the victim has assigned the role to the appellant as driver of the car by which co-accused has enticed her away. The victim is major aged about 25 years. The appellant neither committed rape upon the victim nor he ever made sexual relation with the victim nor he enticed her away. As per allegation, the main role assigned to co-accused Shanu who enticed away the victim and committed rape upon

her. As per statement of the victim recorded under Sections 180 and 183 of BNSS, there are material contradictions in her statement and it appears that the victim, who is Instagram friend of co-accused Shanu, is a consenting party. Further submission is that there is no possibility of early conclusion of trial in near future, hence, the appellant may be enlarged on bail. Appellant is languishing in jail since 09.09.2025 having previous criminal history of one case in which he is on bail granted by the court below. Further submission is that the impugned order rejecting the bail application of the appellant suffers from infirmity and illegality warranting interference by this Court.

5. On the other hand, learned A.G.A. vehemently opposed the the prayer for bail of the appellant and has submitted that the appellant committed the present offence having knowledge that the victim belonged to S.C./S.T. Community. There is no infirmity or illegality in the impugned order.

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, 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. The Court below erred in rejecting the bail application of the appellant. The impugned order suffers from infirmity and illegality and the same is liable to be set-aside and the appeal is liable to be allowed.

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

9. Let the appellant-**Arif**, 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.

10. 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 18, 2026

Ajeet

(Shekhar Kumar Yadav,J.)