



2026:AHC:125811

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 10843 of 2025

Shakeel Qureshi

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Somveer
Counsel for Respondent(s)	:	G.A.

Court No. - 1

HON'BLE MADAN PAL SINGH, J.

1. Case called out in the revised call. Despite service of notice, no one has appeared on behalf of the opposite party no. 2 to press the present appeal.

2. Heard Sri Somveer, learned counsel for the appellant, learned AGA for the State and perused the record.

3. This criminal appeal under Section 14A(2) of SC/ST (Prevention of Atrocities) Act, 1989 has been filed by the appellant with the prayer to set-aside the impugned bail rejection order dated 13.10.2025 passed by Special Judge (S.C./S.T.) Act, Mathura in Bail application No. 3873 of 2025 (Shakeel Qureshi Versus State of U.P.) arising out of Case Crime No. 277 of 2025 under sections 103(1), 238, 3(5) B.N.S. and Section 3 (2) (Va) of S.C./S.T. Act Police Station-Raya, District-Mathura, and with a further prayer to release the appellant on bail in the aforesaid case.

4. According to the prosecution, on 06/08/2025 at around 8:00 AM, the Chowkidar Mohan received information that a dead body of a woman was lying on the bank of a canal near village Nagla Vijayi. When he went there, he saw the dead body and informed the police station. It appears that some unknown person had killed the woman and left her body on the canal bank. Due to ill health, he could not give this information at the police station on the same day.

5. The learned counsel for the appellant submitted that the FIR was lodged by the chowkidar on 07.08.2025 regarding a dead body found in the canal. On 08.08.2025, the husband of the deceased also submitted a written report at Police Station Raya, but the appellant's name was not mentioned in it. However, on the same day, in his statement, the husband of the deceased named the appellant and alleged that he had an illicit relationship with the

deceased. It is also submitted that the appellant has no criminal history and has been in jail since 08.10.2025.

6. On the other hand, the learned AGA opposed the bail application and submitted that the appellant's name appeared in the statement of the husband of the deceased recorded on 08.08.2025. It is a case of homicidal death, and as per the postmortem report, the cause of death was asphyxia due to strangulation.

7. After hearing both sides and perusing the record, the Court finds that the case is based entirely on circumstantial evidence. No one has seen the appellant committing the crime. The husband of the deceased had initially submitted a missing report at Police Station Raya, but the appellant's name was not mentioned in the FIR. On the same day, in his statement, he later mentioned the appellant and alleged an illicit relationship between the appellant and the deceased. However, there is no eyewitness to the incident and no incriminating material such as a scarf, clothes, or any other article has been recovered from the possession of the appellant.

8. Looking to the facts and circumstances of this case, the nature of evidence and also the absence of any convincing material to indicate the possibility of tampering with the evidence and without considering the merits of the case, this Court is of the view that the appellant may be enlarged on bail.

9. Let the appellant- **Shakeel Qureshi** be released on bail in the aforesaid case crime number on furnishing a personal bond of Rs. 1,00,000/- and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

i) The appellant will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

ii) The appellant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.

iii) The appellant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

iv) The appellant will not misuse the liberty of bail in any manner whatsoever. In case, the appellant misuses the liberty of bail during trial and in order to secure his presence proclamation under section 84 BNSS/82 Cr.P.C., may be issued and if appellant fails to appear before the court on the date fixed in such proclamation, then, the trial court

shall initiate proceedings against him, in accordance with law, under section 209 BNS/174-A I.P.C.

v) The appellant shall remain present, in person, before the trial court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 251 BNSS/313 Cr.P.C. If in the opinion of the trial court absence of the appellant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law and the trial court may proceed against him under Section 269 BNS/229-A IPC.

vi) The trial court may make all possible efforts/endeavour and try to conclude the trial expeditiously after the release of the appellant.

10. The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the appellant to prison.

11. Accordingly, the appeal succeeds and the same stands allowed.

12. The impugned order dated 13.10.2025 passed by Special Judge (SC/ST) Act, Mathura is hereby set aside.

June 5, 2026
Akbar

(Madan Pal Singh,J.)