



2026:AHC:125907

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 9900 of 2025

Sandeep

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Dharm Singh Parmar
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 Dharm Singh Parmar, 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 01.08.2025 passed by learned Court of Additional Sessions Judge/Special Judge (S.C./S.T.) Act, Hamirpur in Bail application No. 982 of 2025(Sandeep Versus State of U.P.) arising out of Case Crime No. 238 of 2025 under sections 118(2), 115(2), 352, 351(3) of B.N.S. Police Station-Rath, District-Hamirpur, and with a further prayer to release the appellant on bail in the aforesaid case.
4. As per the prosecution story that on 18.05.2025 at about 3:30 in the afternoon. At the same time, Pukkan, along with Sandeep came to spot and abused the informant using casteist words and started demanding money forcibly. Thereafter, they caught hold the informant and took him towards Moksha Dham and started demanding money. When he refused, the accused attacked him with a sharp weapon and cut off his ears. One ear fell on the ground and a little of the other ear was missing. Thereafter, accused assaulted with kicked and fist him and threatened to kill him and ran away.
5. Learned counsel for the appellant submitted that the informant was consumed alcohol at the time of the incident. He further submitted that the knife allegedly used in the commission of the offence was recovered from the possession of co-accused Pukkan. It is also submitted that both the appellant and the victim were in an intoxicated condition at the relevant

time. The only role assigned to the appellant is that he caught hold of the informant, whereas the allegation of causing injuries with the sharp-edged weapon has been attributed to the co-accused. It is further submitted that the appellant has no criminal history and has been languishing in jail since 29.05.2025

6. Per contra, learned counsel for the State opposed the appeal and the prayer for bail, submitting that a serious offence has been committed. It is contended that a specific role of catching hold of the informant has been assigned to the appellant, which facilitated the commission of the offence. Therefore, considering the gravity and nature of the allegations, the appellant is not entitled to be released on bail..

7. After hearing the learned counsel for the parties and perusing the record, the Court finds that the allegation of causing injuries with a sharp-edged weapon has been attributed to co-accused Pukkan, from whose possession the alleged knife has also been recovered. The appellant and the informant were in an intoxicated condition at the time of the occurrence. The appellant has been in jail since 29.05.2025. Considering the nature of allegations, the role attributed to the appellant, the evidence available on record, and the period of incarceration undergone by him, and without expressing any opinion on the merits of the case, the Court is of the view that the appellant has made out a case for grant of bail

8. Let the appellant- **Sandeep** be released on bail in the aforesaid case crime number on furnishing a personal bond of Rs. 50,000/- 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.

9. 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.

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

11. The impugned order dated 01.08.2025 passed by Special Judge (SC/ST) Act, Hamirpur is hereby set aside.

June 5, 2026
Akbar

(Madan Pal Singh,J.)