



2026:AHC:56569

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 51 of 2026

Raheesh Khan

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	: Jeetendra Kumar Sharma, Laxmi Dubey, Vijit Saxena
Counsel for Respondent(s)	: G.A.

Court No. - 50

HON'BLE SHEKHAR KUMAR YADAV, J.

1. 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 11.12.2025 passed by Special Judge SC/ST (Prevention of Atrocities) Act, Auraiya in Bail Application No.2112 of 2025 arising out of Case Crime No.426 of 2025, under Sections 64(2)m, 69, 352, 351(1) BNS and 3(2)V of SC/ST (P.A.) Act, Police Station Phaphund, District Auraiya.
2. 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.
3. 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 appellant has committed rape upon the victim on the pretext of marriage. Further submission is that the victim is major and married lady. Further submission is that appellant neither committed rape upon the victim nor he ever made sexual relation with the victim as alleged in the impugned FIR and her statement as well. Victim was produced for medical examination but she has refused for her medical examination. Further submission is that the victim herself stated in her statement under Section 180 BNSS that she is married lady but she did not want to live with her husband and she want to live with the appellant. 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 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 09.11.2025 having no previous criminal history. Further submission is that the impugned order rejecting the bail application of the appellant suffers from infirmity and illegality warranting interference by this Court.

4. 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.

5. 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.

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. 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.

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-**Raheesh Khan**, 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

Ajeet

(Shekhar Kumar Yadav,J.)