



2026:AHC:55401

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1839 of 2026

Nitish @ Siddharth @ Sethi

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s) : Ajay Kumar Mishra

Counsel for Respondent(s) : Adesh Kumar, Amar Jeet Upadhyay,
G.A.

Court No. - 50

HON'BLE SHEKHAR KUMAR YADAV, J.

1. Heard learned counsel for the appellant, learned counsel for the informant as well as learned A.G.A. for the State and perused the record.

2. This Criminal appeal has been filed by the learned counsel for the appellant under Section 14-A (2) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the impugned order dated 31.1.2026 passed by Special Judge, SC/ST (P.A.) Act, Meerut in bail application no. 333 of 2026 and to release him in Case Crime No. 775 of 2025, under Sections 69, 115 (2) B.N.S. and Section 3(2)(5) of SC/ST Act, Police Station- Sardhana, District Meerut.

3. As per the prosecution case, there is allegation against the appellant that the appellant used to talk to victim for about one month. On 15.11.2025 the appellant took her to a complex on Binauli Road where he had made physical relations with her in a room without her consent and said that he would marry with her but the appellant has refused to marry with the victim.

4. Learned counsel for the appellant submits that the appellant-applicant has been falsely implicated in the present case. The appellant has not committed the alleged offence. The appellant has no concern with the alleged incident. False allegation has been made against the appellant. There is no cogent evidence against the appellant. It has further submitted by the learned counsel for the appellant that the appellant is ready to solemnize his marriage with the victim. As per the FIR the victim

is aged about 24 years and she had gone with the appellant on her own sweet will and during this period she did not make any hue and cry which shows that the victim is a consenting party. No offence is made out against the appellant. The medical report does not support the prosecution version. There is no criminal history against the appellant. The appellant is in jail since 18.11.2025.

5. On the other hand, learned AGA as well as learned counsel for the informant have opposed the prayer for bail.

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, severity of punishment, the Court is of the opinion that the appellant has made out a case for bail.

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

9. Let the appellant **Nitish @ Siddharth @ Sethi**, involved in the 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 cooperate with the prosecution during trial.

(ii) The appellant will not tamper with the evidence during trial.

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

(iv) The appellant shall not commit an offence.

(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.

(vi) The appellant shall remain present before the trial court on each date fixed, either personally or through counsel.

(vii) The appellant will not seek any adjournment on the dates fixed for evidence when the witnesses are present in court.

(viii) The appellant shall remain present, in person, before the trial court on the dates fixed for recording of statement under Section 313 Cr.P.C.

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

(Shekhar Kumar Yadav,J.)

March 18, 2026

A.