



2026:AHC:56647

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1860 of 2026

Kumari Swati

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Abhishek Mayank,	Abhishek
		Srivastava	
Counsel for Respondent(s)	:	G.A.	

Court No. - 50

HON'BLE SHEKHAR KUMAR YADAV, J.

1. Heard Sri Abhishek Srivastava, learned counsel for the appellant, learned A.G.A. for the State and perused the record. Learned A.G.A. has pointed out that the notice has been served upon the opposite party no. 2.
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 2.12.2025 passed by Special Judge, SC/ST (P.A.) Act, Moradabad in bail application no. 4330 of 2025 and to release him in Case Crime No. 251 of 2025, under Sections 61 (2) B.N.S. and Section 3(2)(V) of SC/ST Act, Police Station- Pakbara, District Moradabad.
3. Learned counsel for the appellant submits that the appellant-applicant is not named in the FIR and during the investigation her name came into light. The appellant 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. There is allegation against the appellant under Section 61 (2) of B.N.S. and section 3 (2) V of SC/ST Act. It is very surprised that no other section of B.N.S. has been added against the appellant and on the basis of that it cannot said that the offence is made out against the appellant. At the time of the alleged incident the appellant was not present. There is no criminal history against the appellant. The appellant is a lady The appellant is in

jail since 26.9.2025.

4. On the other hand, learned AGA has opposed the prayer for bail.

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

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

8. Let the appellant **Kumari Swati**, 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.

9. 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 19, 2026

A.