



2026:AHC:56861

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1904 of 2026

Virendra Lodhi

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Varun Kumar Srivastava
Counsel for Respondent(s)	:	G.A.

Court No. - 50

HON'BLE SHEKHAR KUMAR YADAV, J.

1. Heard learned counsel for the appellant, learned A.G.A. for the State and perused the record. As per the office report 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 7.1.2026 passed by learned Additional Sessions Judge/Special Judge, SC/ST (P.A.) Act, Fatehpur in bail application no. 2245 of 2025 and to release him in Case Crime No. 387 of 2025, under Sections 87, 137 (2), 70 (1), 127 (3) B.N.S. and Section 3(2)(V) of SC/ST Act, Police Station- Khaga, District Fatehpur.

3.As per the prosecution case, there is allegation against the appellant that he has enticed away to 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. The alleged incident said to have taken place on 18.9.2025 while FIR was lodged on 19.9.2025 but there is no satisfactory explanation of this delay in lodging the FIR. As per the medical report, the victim is aged about 18 years and she is major. There is no independent witness of the alleged incident. In

her statement recorded under section 183 B.N.S. the victim has stated that she left her house on 18.9.2025 and went to one place to another place and she returned on 24.9.2025 but during this period she did not make hue and cry which shows that the victim is a consenting party. No internal or external injury has been found on the body of the victim. The appellant is in jail since 3.11.2025.

5. On the other hand, learned AGA has 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 **Virendra Lodhi** , 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 19, 2026

A.