



2026:AHC:54931

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 2516 of 2026

Sunil Rathaur

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Abhinav Dwivedi
Counsel for Respondent(s)	:	Amit Khanna, G.A.

Court No. - 50

HON'BLE SHEKHAR KUMAR YADAV, J.

1. Heard learned counsel for the appellant, learned counsel for the informant and learned AGA as well as perused the entire record.
2. The present criminal appeal under Section 14-A(2) Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act has been filed by the appellant - **Sunil Rathaur** to set aside the bail rejection order dated 13.11.2025 passed by Special Judge SC/ST Act, Kannauj in Bail Application No. 1973 of 2025 arising out of Case Crime No.627 of 2025, under Sections 103(1) BNS and Section 3(2)V of SC/ST Act, P.S.- Kannauj, District- Kannauj with a further prayer to enlarge the appellant on bail in the aforesaid case.
3. As per prosecution story, it is alleged that the appellant called the son of the informant and took him away at 12 p.m. and when he did not return till evening, she searched and on 12.8.2025 at about 10:30 a.m., she got an information that her son's dead body was lying near Kailash Cold Storage, Makrand Nagar. It is further alleged that her son has been murdered by the appellant.
4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The applicant has not committed any offence as alleged in the impugned FIR. He further submits that the as per statement of the sister of the deceased that a quarrel has taken place between the deceased and the appellant before one month of the incident and the main role has been assigned to sustain

injury to the deceased by the brick, to the co-accused Sheelu. He further submits that alleged brick has been recovered from the possession the co-accused Sheelu @ Shani, who has already been granted bail by co-ordinate Bench of this Court vide order dated 13.2.2026 passed by this Court in Criminal Misc. Bail Application No.5348 of 2026. He further submits that till date charge has not been framed, therefore, there is no possibility of conclusion of trial in near future. Learned counsel for the appellant further submits that the impugned order rejecting the bail application of the appellant suffers from infirmity and illegality warranting interference by this Court. Appellant is languishing in jail since 13.08.2025 having no criminal history.

5. On the other hand, learned AGA as well as learned counsel for the informant have opposed the application for bail but could not dispute the submission raised by learned counsel for the appellant.

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.

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- **Sunil Rathaur**, 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.

(Shekhar Kumar Yadav,J.)

March 18, 2026

Krishna*