



2026:AHC-LKO:20162

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 157 of 2026

Sonu Singh

.....Appellant(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of Home Lko.
And Another

.....Respondent(s)

Counsel for Appellant(s)	:	Ram Ashish, Ram Lakhan
Counsel for Respondent(s)	:	G.A.

Court No. - 28

HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

Counter affidavit filed today by learned AGA for the State is taken on record.

Vide order dated 20.01.2026, notice was issued to opposite party no. 2 and as per information given by learned AGA, the notice has been served to opposite party no. 2, in this regard CA-1 has also been annexed alongwith the counter affidavit.

Today when the case is taken up, neither counsel on behalf of opposite party no. 2 is present nor any counter has been filed, therefore, this Court has no option but to proceed in the matter to decide the instant appeal.

Heard learned counsel for the appellant and learned Additional Government Advocate for the State as well as perused the material available on record.

The present criminal appeal under Section 14-A (2) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been preferred against the impugned order dated 11.12.2025 passed by learned Special Judge, SC/ST/Gangsters Act, Pratapgarh in Bail Application No. 4676 of 2025, arising out of Case Crime No. 148 of 2025, under Sections 69, 115(2), 351(3), 352 of BNS and Sections 3(1)(da), 3(1)(dha), 3(2)(v), 3(2)(va) of SC/ST Act, Police Station Udaipur, District Pratapgarh, whereby the bail application of the appellant has been rejected.

Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He further submits that there is an inordinate delay of 5 months in lodging the FIR and no plausible explanation has been offered. He next submits that the prosecutrix is a minor girl aged about 19 years, who was fallen one sided love with the appellant, the prosecutrix herself was insisting the appellant to meet her and there is no intent of false promise

of marriage. He next submits that he has filed the print out of whatsapp messages, as Annexure no. 5 to the bail application, which apparently indicate that prosecutrix was herself pressurizing and persuading the appellant to come and solemnize marriage with her. He also submits that as per the injury report, the victim herself caused injury by using blade. He further submits that as per the prosecution story, on 06.05.2025, on telephonic call, the prosecutrix was called, which contradicts with the call details of the appellant's mobile phone, photocopy of which is annexed with the bail application. He next submits that no specific allegation of intentionally insult or intimidation of the victim in a public view is mentioned in the FIR and there is no independent witness of the alleged incident. He further submits that there are two sets of alleged incident and on subsequent incident, there was engagement ceremony of the sister of appellant and in this regard he has also filed photographs. Learned counsel for the appellant further submits that appellant is languishing in jail since 10.12.2025 having no criminal history to his credit and in case the appellant is enlarged on bail, he shall not misuse the liberty of bail and he shall also fully cooperate with the trial. He has further submitted that there is no possibility of the appellant to intimidate or pressurize the witnesses or any other persons acquainted with the facts of the present case.

For the aforesaid reasons, learned counsel for the appellant submits that the instant criminal appeal deserves to be allowed and the impugned order may be set aside and consequently, the appellant deserves to be enlarged on bail.

Per contra, learned AGA for the State has vehemently opposed the prayer for bail by submitting that the appellant has made physical relations with the prosecutrix on the false promise of marriage and hurled abuses on castiest slur as well as threatened her to life. He further submits that the learned trial court has appreciated the prosecution version in a rightful manner, therefore, the appellant is not entitled to be enlarged on bail and the instant criminal appeal deserves to be dismissed. However, he has been unable to dispute the other factual submissions advanced by the learned counsel for the appellant.

Considering the submissions of learned counsel for the parties and after perusal of material available on record, including the allegations made in the FIR, it is apparent that there is an inordinate delay of 5 months in lodging the FIR and no plausible explanation of the same; the prosecutrix is a major girl, aged about 19 years; the whatsapp messages filed by the appellant apparently indicate that prosecutrix was herself pressurizing and persuading the appellant to come and solemnize marriage with her; as per the prosecution story, the prosecutrix was called by telephonic call but the call details of the appellant's mobile phone contradicts the same; intent of false promise of marriage is missing; the FIR does not specifically mention that the prosecutrix

was intentionally insulted or intimidated the victim in a public view; there is no independent witness of the alleged incident; appellant is languishing in jail since 10.12.2025 having no criminal history to his credit and he has undertaken that in case he is enlarged on bail, he shall not misuse the liberty of bail and will cooperate with the trial and without expressing any opinion on merit, this Court is of the view that the learned court below has failed to appreciate the material available on record, thus, the order passed by the court below is liable to be set aside.

Accordingly, the appeal is **allowed**. Consequently, the impugned order dated 11.12.2025 passed by learned Special Judge, SC/ST/Gangsters Act, Pratapgarh in Bail Application No. 4676 of 2025, arising out of Case Crime No. 148 of 2025, under Sections 69, 115(2), 351(3), 352 of BNS and Sections 3(1)(da), 3(1)(dha), 3(2)(v), 3(2)(va) of SC/ST Act, Police Station Udaipur, District Pratapgarh, is hereby set aside.

Let the appellant-**Sonu Singh** be released on bail in the aforesaid case crime number on his furnishing personal bond and two sureties each in the like amount to the satisfaction of the court concerned, subject to following conditions:

- (i) The appellant shall cooperate with the prosecution during trial.
- (ii) The appellant shall not tamper with the evidence during trial
- (iii) The appellant shall not pressurize/intimidate the prosecution witness(s).
- (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 shall 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.PC.

In case of default of above conditions, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law

As this order relates to enlargement of the appellant on bail, it is clarified that observation(s) made in this order shall have no bearing on the merits of the case and the trial court shall not be influenced by any observation(s) made in this order.

March 19, 2026

kkv/

(Pramod Kumar Srivastava,J.)