



2026:AHC-LKO:20186

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 394 of 2026

Shaniraj Chauhan

.....Appellant(s)

Versus

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

.....Respondent(s)

Counsel for Appellant(s)	:	Avinash Mishra
Counsel for Respondent(s)	:	G.A.

Court No. - 28

HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

1. Heard learned counsel for the appellant and learned AGA for the State as well as perused the record.
2. Learned A.G.A. has filed counter affidavit today in Court. The same is taken on record.
3. Vide order dated 11.02.2026, the notices were issued to opposite parties No. 2 and as per Office Report, the same have been served upon him.
4. Today when the case is taken up, neither any counsel has appeared on behalf of opposite party No. 2 nor counter affidavit has been filed on his behalf. It appears that the opposite party No.2 is not interested to file any counter affidavit.
5. In the above circumstances, as the matter pertains to bail this Court has no option but to proceed for final arguments to decide the present appeal.
6. 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 29.01.2026 passed by the court of Additional District and Session Judge/Special Judge SC/ST Act Ayodhya in Bail Application No./Computer Registration No. 60/2026, arising out of Case Crime No. 612/2025, under Section 87, 137(2) BNS (363, 366 I.P.C.) and Section 3 (2) (v) SC/ST Act, Police Station Inayat Nagar, Ayodhya, whereby the bail application of the appellant has been rejected.

7. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He further submits that there is a delay in lodging the F.I.R., and the name of the eye-witness has not been mentioned therein. He further submits that the victim herself left her parental home and went with the appellant-accused. As per the statement given before the Magistrate, the victim has stated that, without informing her parents, she went on her own and met the appellant-accused, but no physical relationship was established. He next submits that the victim has categorically stated in her statement that no sexual relationship was established.

8. Learned counsel for the appellant submits that the appellant is languishing in jail since 17.12.2025 having no criminal history. He submitted that in case the appellant is enlarged on bail, he shall not misuse the liberty of bail and he shall 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.

9. Per contra, learned AGA has opposed the prayer by submitting that the appellant is involved in commission of the offence and, as such, he 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.

10. Considering the submissions of learned counsel for the parties and after perusal of material available on record, a perusal of the allegations made in the F.I.R. and considering the fact that the victim herself left her parental home and went with the appellant-accused; as per the statement given before the Magistrate, the victim has stated that, without informing her parents, she went on her own and met the appellant-accused, but no physical relationship was established; the appellant has been languishing in jail since 17.12.2025 and has no criminal history 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. 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.

11. Accordingly, the appeal is **allowed**. Consequently, the impugned order dated 29.01.2026 passed by the court of Additional District and Session Judge/Special Judge SC/ST Act Ayodhya in Bail Application No./Computer Registration No. 60/2026, arising out of Case Crime No. 612/2025, under Section 87, 137(2) BNS (363, 366 I.P.C.) and Section 3 (2) (v) SC/ST Act, Police Station Inayat Nagar, Ayodhya, is hereby set aside.

12. Let the appellant- **Shaniraj Chauhan** be released on bail in the aforesaid case crime number on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned, subject to following additional 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.
- (vi) The appellant shall remain present before the trial court on each date fixed.
- (vii) The appellant shall not seek any adjournment when witnesses are present.
- (viii) The appellant shall remain present, in person, for recording of statement under Section 313 Cr.PC.

13. 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.

(Pramod Kumar Srivastava,J.)

March 19, 2026

Arvind