



2026:AHC-LKO:21324

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 382 of 2026

Dileep Gupta

.....Appellant(s)

Versus

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

.....Respondent(s)

Counsel for Appellant(s)	:	Himanshu Suryavanshi
Counsel for Respondent(s)	:	G.A., Ashok Shukla

Court No. - 12

HON'BLE MANISH MATHUR, J.

1. Heard learned counsel for appellant, learned A.G.A for respondent No.1-State and Mr. Ashok Shukla learned counsel for respondent No.2, complainant.
2. Despite stop order having been passed on 19th March 2026, no objections have been filed by the complainant till date while counter affidavit on behalf of the state has already been filed.
3. This Criminal Appeal has been filed by the appellant under Section 14-A(2) of Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 to set aside order dated 27th January, 2026 passed by Special Judge S.C./S.T. Act, Sitapur in Case Crime No. 05 of 2026, Under Section- 109 (307 IPC), 118(2) (326 IPC), 115(2) (323 IPC), 352 (504 IPC), 351(3) (506 IPC), 190 (149 IPC), 191(2) (147 IPC), 191(3) (148 IPC), 3(5) (34 IPC) BNS 2023 and section 3(2)V SC/ST Act relating to Police Station Naimisharanya, District Sitapur. Further, a prayer has been made to enlarge the appellant on bail in the said case crime.
4. As per contents of F.I.R., incident is said to have taken place on 4th January 2026 at about 11 AM when the appellant along with 29 other persons is said to have entered into an altercation with the complainant and family members with regard to dispute of agricultural property. Allegation has been levelled that aforesaid persons disrupted agricultural activities on the said plot and threatened and sought to intimidate the

complainant and his family members also by making caste based insults. It has been alleged that upon exhortation of the appellant and others, one Rajesh Gupta is said to have opened fire upon Indrapal and Shailendra due to which the said persons suffered grievous injuries.

5. Learned counsel for appellant submits that except for the role of exhortation, there is no allegation levelled against appellant of having uttered any caste-based insult against the complainant or his family members. The role of firing has also been assigned to Rajesh Gupta. He has also adverted to the statement of injured, Shailendra under section 180 BNS to submit that the injured has also not indicated any role of appellant in making any caste-based insults or having any role in causing injury to two persons. It is submitted that previous criminal history of appellant has already been explained in paragraph 25 of the affidavit as per which in two cases bearing crime No. 14 of 2016 and 75 of 2016, final report has already been filed with the complainant of case crime No. 20 of 2016 having withdrawn his complaint.

6. Learned counsel for opposite parties have opposed bail application with submission that as has been recorded by the trial court while rejecting first bail application, the appellant has been involved in similar cases earlier as well. It is also submitted that the role of appellant has clearly been indicated in the FIR of exhorting the said Rajesh Gupta into opening fire upon the injured. It is however admitted that three previous criminal cases against petitioner have already been explained.

7. Upon consideration of submissions advanced by learned counsel for parties and perusal of material on record, at this stage without entering into merits of the case and subject to evidence being led in trial, it appears that the only role assigned to appellant is that of exhortation. There does not appear to be any specific role assigned to appellant of having made any caste based insult or of having any role in injuring the two persons named herein above. Previous criminal history as indicated herein above has already been explained. The appellant is under incarceration since 4th January, 2026.

8. Considering the submissions advanced by learned counsel for appellant, it is apparent that the impugned order has been passed without

appreciating the submission made on behalf of appellant and as such the order impugned by the court below is liable to be set aside. Accordingly, the appeal is allowed and the order dated 27th January, 2026 is set aside.

9. Let appellant/applicant Dileep Gupta, involved in aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

(i) The appellant/applicant will not tamper with the evidence during the trial.

(ii) The appellant/applicant will not pressurize/intimidate the prosecution witness.

(iii) The appellant/applicant 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.

(iv) The appellant/applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(v) The appellant/applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code (now Section 269 of the Bhartiya Nyaya Sanhita, 2023).

(vi) In case, the appellant/applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. (now Section 84 BNSS) is issued and the appellant/applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code (now Section 209 of the Bhartiya Nyaya Sanhita, 2023).

10. The pending application if any too stands disposed of.

(Manish Mathur,J.)

March 25, 2026
prabhat