



2026:AHC-LKO:21296

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 542 of 2026

Abhinav @ Abhinav Chauhan @ Gulbadan
Chauhan

.....Appellant(s)

Versus

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

.....Respondent(s)

Counsel for Appellant(s)	: Manoj Kumar Nishad, Ved Prakash Patel
Counsel for Respondent(s)	: G.A.

Court No. - 12

HON'BLE MANISH MATHUR, J.

1. Heard learned counsel for appellant and learned AGA appearing on behalf of respondent no.1.
2. As per office report dated 24.03.2026, notice upon respondent no.2 has already been served but has not put in appearance.
3. Counter affidavit filed on behalf of State is taken on record. Learned counsel for appellant submits that he does not wish to file any response thereto.
4. This Criminal Appeal has been filed by appellant under Section 14-A(2) of Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 to set aside order dated 10.02.2026 passed by Special Judge S.C./S.T. Act, Ambedkar Nagar, in Case Crime No.223 of 2025, under Section 108 B.N.S. & Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, P.S. Sammanpur, District Ambedkar Nagar. Further, a prayer has been made to enlarge the appellant on bail in the said case crime.
5. Learned counsel for appellant submits that as per contents of First Information Report, daughter of complainant was in relationship with one Mahabeer Chauhan who was working in

Orissa. The appellant was introduced as friend of the said Mahabeer Chauhan and allegedly induced the daughter of complainant to accompany him to Orissa so that she would be able to marry the said Mahabeer Chauhan. It is further alleged that on 22.04.2025, when appellant was taking the daughter of complainant to Orissa, upon seeing police present at railway station Rourkela, he left behind the daughter of complainant and escaped. The allegations also indicate that subsequently the complainant's got daughter married but upon coercion induced by said Mahabeer Chauhan, she committed suicide.

6. Learned counsel for appellant submits that none of the ingredients imputed against appellant are made out from a bare perusal of the First Information Report and his only role has been indicated as friend of said Mahabeer Chauhan and of having accompanied the daughter of complainant to Rourkela railway station. It is submitted that said Mahabeer Chauhan has already been granted anticipatory bail in Criminal Misc. Anticipatory Bail Application U/S 482 BNSS No.2065 of 2025.

7. Learned Additional Government Advocate appearing on behalf of State on the basis of counter affidavit has opposed the appeal but admits that there is no previous criminal history of appellant and whose role was to accompany the daughter of complainant and of having a role in pressure exerted upon deceased lady for committing suicide.

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.

9. Upon consideration of submissions advanced by learned counsel for parties and perusal of material available on record, at this stage, without entering into merits and subject to evidence being led in trial, it appears that the only role attributed to appellant

is that of accompanying the daughter of complainant from her house to the railway station Rourkela. There does not appear to be any undue pressure, coercion or inducement alleged against complainant for inducing the daughter of complainant to accompany him. From a perusal of First Information Report also, ingredients of Section 108 B.N.S. also do not appear to be made out since no active or proximate role of appellant appears to be indicated in the First Information Report. Ingredients of S.C./S.T. Act also do not appear to be made out from the allegations levelled against appellant.

10. It also appears that appellant is under incarceration since 14.01.2026 without any previous criminal history. The order passed by the court below is liable to be set aside. Accordingly, the appeal is allowed and the order dated 10.02.2026 is set aside.

11. Let appellant/applicant **Abhinay @ Abhinav Chauhan @ Gulbadan Chauhan**, 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 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 Bharatiya 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 Bharatiya Nyaya Sanhita, 2023).

12. The pending application if any too stands **disposed of**.

(Manish Mathur,J.)

March 25, 2026

Subodh/-