



2026:AHC-LKO:20626

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 490 of 2026

Aman Gautam @ Sarvesh Gautam

.....Appellant(s)

Versus

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

.....Respondent(s)

Counsel for Appellant(s)	:	Ranjeet Pratap Singh
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.

Learned AGA for the State has informed the Court that notice of the instant criminal appeal has been served upon the opposite party no. 2 and in this regard the report of concerned police station has been enclosed as Annexure no. CA-1 to 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 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 28.01.2026 passed by learned Special Judge, SC/ST Act, Pratapgarh in Bail Application No. 71 of 2026, arising out of Case Crime No. 350 of 2025, under Section 123 of BNS, Police Station Aaspur Devsara, 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 next submits that there is no eye witness is mentioned in the FIR. He further submits that the victim has love affair with the appellant and they wanted to marry with each other and when the family members denied same, the victim herself consumed poison. He further submits that there is no independent witness of the incident. He further submits that as per medical report some poisonous substance was found to be given to the victim but in this regard there is no Forensic Science Laboratory report of the poisonous substance. He next submits that appellant is languishing in jail since 19.12.2025 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 has vehemently opposed the prayer for bail by submitting that the appellant was involved in committing the offence, wherein he gave poison to the victim forcibly and resultantly she succumbed. 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, it is transpires that there is no eye account of the incident; the victim was having love affair with the appellant and they wanted to marry with each other and when the family members denied the same, the victim herself consumed poison; there is no independent witness of the incident;

there is no FSL report of the poisonous substance; appellant is languishing in jail since 19.12.2025 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 28.01.2026 passed by learned Special Judge, SC/ST Act, Pratapgarh in Bail Application No. 71 of 2026, arising out of Case Crime No. 350 of 2025, under Section 123 of BNS, Police Station Aaspur Devsara, District Pratapgarh, is hereby set aside.

Let the appellant-**Aman Gautam @ Sarvesh Gautam** 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 20, 2026

kkv/

(Pramod Kumar Srivastava,J.)