



2026:AHC-LKO:20539

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 3275 of 2025

Jagpal Maurya @ Jagpal Kushwaha

.....Appellant(s)

Versus

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

.....Respondent(s)

Counsel for Appellant(s) : Ram Naresh Singh Chauhan
Counsel for Respondent(s) : G.A., Ankit Kumar Rao, Tasleem
Khan, Ujjwal Kirti Bisen

Court No. - 28

HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

Rejoinder affidavit filed today by learned counsel for the appellant is taken on record.

Vide order dated 10.10.2025, the notice was issued to the complainant and as per office report the same has been served personally upon the complainant. Today when the case is taken up, none is present on behalf of the complainant/opposite party no. 2, 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 18.08.2025 passed by learned Special Judge, SC/ST Act, Lucknow in Anticipatory Bail Application No. 6478 of 2025, arising out of Case Crime No. 176 of 2024, under Section 351(2) of BNS and Section 3(2)(5-A) of SC/ST Act, Police Station Nigohan, District Lucknow, 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

the appellant is not named in the FIR. He further submits that specific allegation has been levelled against co-accused-Jay Karan. He next submit that the victim is major girl aged about 22 years. He further submits that the victim in her statement recorded under Section 180 of BNSS, did not disclose a single word against accused/appellant with regard to allegation of rape. He next submits that for the first time in her statement recorded under Section 183 of BNSS, name of the appellant is surfaced to the extent that appellant has only threatened her. He next submits that Section 3(2)(5-A) of the SC/ST Act is not made out against the appellant, as he has neither abused her on castiest slur nor humiliated or insulted the victim due to belonging her of SC/ST community. He further submits that the main co-accused, namely, Jay Karan Maurya has already been enlarged on bail by this Court vide order dated 19.12.2024 passed in Criminal Appeal No. 3857 of 2024. He next submits that appellant is languishing in jail since 21.09.2024 and he has explained the criminal history 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.

Per contra, learned AGA has vehemently opposed the prayer for bail by submitting that the appellant has committed rape upon the prosecutrix extended threat to life of the victim. He further submits that the offence is of serious in nature and 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 allegation made in the FIR, it transpires that appellant is not named in the FIR and his name is surfaced in the statement of the victim recorded under Section 183 of BNSS; role of the appellant is assigned only to threaten the victim, while all the allegation made against co-accused, namely, Jay Karan Maurya who has already been enlarged on bail; appellant is languishing in jail since 21.09.2024 and he has explained the 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 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 18.08.2025 passed by learned Special Judge, SC/ST Act, Lucknow in Anticipatory Bail Application No. 6478 of 2025, arising out of Case Crime No. 176 of 2024, under Section 351(2) of BNS and Section 3(2)(5-A) of SC/ST Act, Police Station Nigohan, District Lucknow, is hereby set aside.

Let the appellant-**Jagpal Maurya @ Jagpal Kushwaha** 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.)