



2026:AHC-LKO:20566

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 134 of 2026

Mohit

.....Appellant(s)

Versus

State Of U.P. Thru. Secy. Home Lko. And 2
Others

.....Respondent(s)

Counsel for Appellant(s) : Narendra Gupta, Mohammad Salim
Khan
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 complainant 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 03.01.2026 passed by learned Special Judge, SC/ST Act, Lucknow in Bail Application No. 416 of 2025, arising out of Case Crime No. 392 of 2025, under Sections 87, 64(2)(M), 127(2), 351(3) BNS and Section 3(2)(V) of SC/ST Act, Police Station Maholi, District Sitapur, 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 an inordinate delay in lodging the FIR, as FIR was lodged by the complainant on 24.09.2025 mentioning that his daughter was missing since 26.07.2025. He next submits that when the victim herself returned to home on 15.08.2025, then an application was given by the complainant that her daughter herself went to a relation and he does not want to take any action in the matter. He next submits that this FIR is lodged after more than one month with malicious intention. He further submits that the victim is a major girl of 19 years and she was medically examined, wherein no internal or external injury was found. He further submits that voluntarily the victim solemnized with the victim. He next submits that appellant is languishing in jail since 18.12.2025 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.

Per contra, learned AGA has vehemently opposed the prayer for bail by submitting that the appellant enticed away the victim, committed rape on her and has solemnized without her willing as well extended threat to life to her. 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, it is transpires that there is inordinate delay in the lodging the FIR, as FIR was lodged by the complainant on 24.09.2025, whereas the incident of missing was of 26.07.2025; when the victim returned herself to home on 15.08. 2025, then an application was given by the complainant that her daughter herself went to a relation and he does not want to take any action in the matter; the victim is a major girl of 19 years and she was medically examined, wherein no internal or external injury was found; the victim voluntarily solemnized with the appellant; the appellant is languishing in jail since 18.12.2025 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 03.01.2026 passed by learned Special Judge, SC/ST Act, Lucknow in Bail Application No. 416 of 2025, arising out of Case Crime No. 392 of 2025, under Sections 87, 64(2)(M), 127(2), 351(3) BNS and Section 3(2)(V) of SC/ST Act, Police Station Maholi, District Sitapur, is hereby set aside.

Let the appellant-**Mohit** 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.)