



2026:AHC-LKO:20727

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 360 of 2026

Rambabu

.....Appellant(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of Home
Lko. And 4 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Srees Kumar Srivastava
Counsel for Respondent(s)	:	G.A., Neeraj Singh

Court No. - 12

HON'BLE MANISH MATHUR, J.

1. Heard learned counsel for appellant, learned AGA for opposite party No.1 and Ms. Sweta Mishra Advocate holding brief on behalf of Mr. Neeraj Singh learned counsel for opposite parties 2 to 5.

2. 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 25.09.2025 passed by learned Special Judge (SC/ST Act)/Additional District and Sessions Judge, court no. 2, Unnao, arising out of Case Crime No. 346 of 2025, under Sections 190, 191(2), 115(2), 105, 117(2), 352 and 351(3) of BNS and Sections 3(2)(5) of SC/ST Act, Police Station Safipur, District Unnao, whereby the bail application of the appellant has been rejected.

3. As per contents of the FIR, the incident is said to have taken place on 13th August 2025 when co-accused Sambodhan, Lalu and Ajay started planting saplings on the informant's property which was opposed by her due to which the said persons attacked the informant, resulting in serious injuries. It is further stated that when the informant went to register her complaint, the said persons along with others including the appellant barged into her residence and attacked her father-in-law, Vishnu and her daughters, Sweta and Priyanka. It is alleged that serious injuries resulted due to their attack.

4. Learned counsel for appellant submits that he has been falsely

implicated in the FIR. He has also adverted to the statement of injured Priyanka recorded under section 180 BNSS to submit that entire gist of allegation has been levelled against main accused, Shatrohan @ Sambodhan and there is no specific allegation against the appellant with regard to any injury having occurred due to him. It is further submitted that only general allegations have been levelled against all other persons named in the FIR. It is submitted that the appellant has been under incarceration since 16th August, 2025 with no previous criminal history. He is also taking parity with the cases of Ramu and Ajay in Criminal Appeal No. 249 of 2026 and Criminal Appeal No. 4053 of 2025 respectively in which their appeals have been allowed on similar grounds.

5. Learned counsel for opposite parties has opposed appeal with submission that injury report clearly corroborates allegations levelled in the FIR in which complainant has also been named as one of the accused in inflicting injuries upon the informant and her family members. It is however admitted that in similar circumstances, co-accused Ramu and Ajay have already been granted relief by allowing their appeals. Learned counsel for opposite parties is unable to distinguish the case of the appellant with that of the aforesaid Ramu and Ajay.

6. Upon consideration of submissions advanced by learned counsel for parties and perusal of material on record at this stage and subject to evidence being led in trial, it appears that general allegation has been levelled against appellant of accompanying the main accused Shatrohan @ Sambodhan, the incident also appears to have taken place within the house of complainant and therefore the aspect of applicability of SC/ST Act pertaining to the incident having taken place in public view would required to be examined. Appeals filed by Ramu and Ajay have already been allowed with similar allegations being levelled against them. The appellant is under incarceration since 16th August, 2025 with no previous criminal history.

7. 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.

8. Considering the facts and circumstance of the case, without commenting upon merits, I am of the view that the learned court below has failed to appreciate the material available on record. The order passed by the court below is liable to be set aside. Accordingly, the appeal is allowed and the order dated 25.09.2025 is set aside.

9. Let appellant/applicant Rambabu, 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).

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

(Manish Mathur,J.)

March 23, 2026
prabhat