



2026:AHC-LKO:22088

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 59 of 2026

Vikas Kumar Jaiswal

.....Appellant(s)

Versus

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

.....Respondent(s)

Counsel for Appellant(s)	:	Anamika Singh, Paritosh Shukla
Counsel for Respondent(s)	:	G.A., Lalji Yadav

Court No. - 12

HON'BLE MANISH MATHUR, J.

1. Heard Ms. Anamika Singh, learned counsel for appellant, learned AGA appearing on behalf of respondent no.1-State and Mr. Lalji Yadav, learned counsel for respondent no.2.

1A. Rejoinder affidavit filed today is taken on record.

2. 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 19.12.2025 passed by Learned Special Judge S.C./S.T. Act, Pratapgarh, in Case Crime No.194 of 2025, under Sections 115(2), 352, 64(1), 351 (2), 351(3) BNS, Section 3(1)(Da), 3(1)(Dha), 3(2)(V), 3(2) (Va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act & Section 67 Information Technology Act, Police Station Sangipur, District Pratapgarh.

3. As per contents of first information report, appellant had unauthorizedly made obscene video of informant/victim and was blackmailing her with regard to same in order to secure physical relations with her. It is stated that in view of such blackmail, appellant raped the informant and when she went to confront him on 20.07.2025 at about 10.00 A.M. in his house, she was humiliated by caste based insults and was attacked due to which she suffered injury.

4. Learned counsel for appellant submits that he has been falsely implicated allegations levelled against him which would be evident from the fact that the first information report has been lodged after substantial delay with regard to the allegations levelled. It is submitted that as per statement of victim recorded under Section 180 and 183 B.N.S.S, it is alleged that the appellant sent incriminating and obscene messages on mobile of the informant but during the

course investigation, no such obscene material was ever recovered from the mobile of the informant. It is submitted that even otherwise no certification of any video has been obtained under Section 65-B of the Evidence Act. It is submitted that appellant is under incarceration since 10.11.2025 with one previous criminal history under Section 498-A I.P.C which has been explained in paragraph 3 of the rejoinder affidavit.

5. Learned AGA as well as learned counsel for informant have opposed the appeal with the submission that statement of informant recorded under Section 180 and 183 B.N.S.S. clearly corroborates allegations levelled in the first information report. Learned AGA however has opposed the appeal but admits that previous criminal history of appellant has already been explained.

6. Learned counsel for informant has also indicated the whatsapp chats between the appellant and the informant.

7. Upon Consideration of submissions advanced by learned counsel for parties and perusal of material on record and subject to evidence, it appears that despite allegation having been levelled against appellant of blackmailing the informant on the basis of some obscene video, no such video appears to have been recovered either from the mobile phone of the appellant, his Instagram account or the mobile of the informant. Chats said to have been interchanged between the appellant and informant would require certification in terms of Evidence Act and it would be difficult to place reliance on the same at this stage. Appellant is under incarceration since 10.11.2025 with previous criminal history having already been explained. Learned counsel for appellant also submits that despite 10 prosecution witnesses indicated in the charge-sheet, the evidence of only P.W.1 has started as yet.

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. Accordingly, the appeal is allowed and the order dated 19.12.2025 is set aside.

9. Let appellant/applicant **Vikas Kumar Jaiswal**, 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).

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

March 30, 2026
Subodh/-

(Manish Mathur,J.)