



2026:AHC-LKO:22075

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 4144 of 2025

Sandeep @ Dishant Mishra

.....Appellant(s)

Versus

State Of U.P. Through Principal Secretary Home
And 4 Others

.....Respondent(s)

Counsel for Appellant(s)	: Pradeep Kumar, Anshuman Singh, Pradeep Kumar, Vipul Singh
Counsel for Respondent(s)	: G.A., Pradeep Kumar Maurya, Priyanka Yadav, Rizwanul Haque Ansari

Court No. - 12

HON'BLE MANISH MATHUR, J.

1. Heard Mr. Anshuman Singh learned counsel for appellant, learned A.G.A. for respondent No.1-State and Ms. Priyanka Yadav learned counsel for respondent No.2-complainant.

2. This Criminal Appeal has been filed by the appellant under Section 14-A(2) of Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 to set aside order dated 9th December, 2025 passed by Special Judge S.C./S.T. (P.A.) Act, Ayodhya in Case Crime No. 302/2021, Dated 30.11.2021, Under Sections 376, 504, 506 Of IPC And Section 3 (2) (V) of the Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989, Police Station-Khandasa, District-Ayodhya. Further, a prayer has been made to enlarge the appellant on bail in the said case crime.

3. As per contents of FIR, incident is said to have taken place on 27th October 2021 at about 1.30 a.m. when the appellant is said to have entered the house of complainant and is said to have raped her daughter and escaped when she raised alarm.

4. It is submitted that appellant has been falsely implicated in allegations levelled against him which is evident from the fact that the FIR has been lodged after more than five weeks of the alleged incident. It is submitted that a perusal of injury report clearly indicates the fact that there is no vaginal

tear nor vulva tear on the victim and therefore, the medical does not corroborate the allegations levelled against the appellant. It is also submitted that the statement of the doctor concerned indicated only pain without any external or internal injury. It is submitted that the appellant is under incarceration since 2nd December 2025 without any previous criminal history. It is further submitted that appellant had fully cooperated during investigation and upon filing of charge sheet had surrendered before the court concerned whereafter the bail application was rejected leading to filing of the present appeal.

5. Learned counsel for respondents have opposed bail application with submissions that there is no contradiction in the statement of victim recorded under section 161 and 164 Cr.P.C. which corroborates the allegations made in the FIR. It is however admitted that appellant does not have any previous criminal history.

6. Upon consideration of submissions advanced by learned counsel for parties and perusal of the material on record, at this stage without entering into the merits of the case and subject to evidence being led in trial, it appears that although the incident is said to have taken place on 27th October 2021, the FIR has been lodged only on 30th November, 2021 without any cogent explanation for delay in lodging the same which may indicate deliberation. The medical report also does not appear to corroborate allegations levelled in the FIR against the appellant who is under incarceration since 2nd December 2025 without any previous criminal history. The trial is also stated to be at the very inception.

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. Accordingly, the appeal is allowed and the order dated 9th December, 2025 is set aside.

8. Let appellant/applicant Sandeep @ Dishant Mishra, 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 30, 2026

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