



2026:AHC-LKO:19240

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 673 of 2026

Anand

.....Appellant(s)

Versus

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

.....Respondent(s)

Counsel for Appellant(s) : Sunil Kumar Singh, Sudhir Kumar
Tiwari
Counsel for Respondent(s) : G.A.

Court No. - 28

HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

Heard learned counsel for the appellant and the 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 27.02.2026 passed by learned Special Judge, SC/ST Act, Lucknow in Bail Application No. 1413 of 2026 2024, in connection with Case Crime No. 129 of 2025, under Sections 105/115(2)/191(2)/351(3)/352 of BNS, Police Station Mahingwan, 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 appellant is not named in the FIR. General role is attributed to the appellant. He further submits that name of appellant surfaced in the case after one and a half months. He further submits that nothing incriminating article has been recovered on pointing out of the appellant and no identification parade was conducted. He further submits that co-accused, namely, Neeraj Gautam and Shiva, having similar role to that of present appellant, have already been granted bail by this Court vide order dated 25.02.2026 passed in Criminal Appeal Nos. 4098 of 2025 and 4096 of 2025 and, as such, the present appellant is also entitled to be released on bail on the ground

of parity. He next submits that the appellant is languishing in jail since 04.10.2025 and he has explained a case criminal history. He added that in case the appellant is enlarged on bail, he shall not misuse the liberty of bail and he shall 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 on bail.

Per contra, learned AGA has vehemently opposed the prayer by submitting that the appellant alongwith other co-accused persons has assaulted the deceased got injured. He further submits that appellant other accused persons were viewed and identified in the CCTV footage, therefore, the appellant is not entitled to be enlarged on bail and the instant criminal appeal deserves to be dismissed. However, he is 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 the allegations made in the FIR, it transpires that appellant is not named in the FIR; general role is attributed to the appellant; the name of appellant surfaced in the case after one and a half months; no incriminating article is recovered on pointing out of the appellant and no identification parade was conducted; co-accused, namely, Neeraj Gautam and Shiva, having similar role to that of present appellant, have already been granted bail; the appellant is languishing in jail since 04.10.2025 and he has explained a case 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 27.02.2026 passed by learned Special Judge, SC/ST Act, Lucknow in Bail Application No. 1413 of 2026 2024, in connection with Case Crime No. 129 of 2025, under Sections 105/115(2)/191(2)/351(3)/352 of BNS, Police Station Mahingwan, District Lucknow, is hereby set aside.

Let the appellant-**Anand** be released on bail in the aforesaid case crime number on his furnishing a 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 17, 2026
kkv/

(Pramod Kumar Srivastava,J.)