



2026:AHC:125392

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1674 of 2026

Abhishekh Dhuriya @ Sonu

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	: Sitesh Kumar, Subhash Chandra Vishwakarma
Counsel for Respondent(s)	: Akhilesh Kumar Pandey, Brijesh Kumar Shukla, G.A.

Court No. - 1

HON'BLE MADAN PAL SINGH, J.

1. Counter affidavit filed today on behalf of the opposite party no. 2 is taken on record.

2. Heard learned counsel for the parties and perused the record.

3. This criminal appeal under Section 14A(2) of SC/ST (Prevention of Atrocities) Act, 1989 has been filed by the appellant with the prayer to set-aside the impugned bail rejection order dated 01.01.2026 passed by learned Court of Additional Sessions Judge/Special Judge (S.C./S.T.) Act, Prayagraj in Bail application No. 5734 of 2025 (Abhishekh Dhuriya @ Sonu Versus State of U.P.) arising out of Case Crime No. 110 of 2024 under sections 307, 354, 354 (Gha), 376, 506 IPC and Section 3 (2)(5) of S.C./S.T. Act and Section 4/25 of Arms Act, Police Station-Nawabganj, District-Prayagraj, and with a further prayer to release the appellant on bail in the aforesaid case.

5. Learned counsel for the appellant submitted that there had been a consensual relationship between the appellant and the victim for the last 8-9 months. It is further submitted that the husband of the victim was working outside the State for his livelihood. On 06.04.2024 at about 11:30 p.m., the husband of the victim allegedly saw the appellant and the victim together, thereafter the present FIR has been lodged on false and fabricated grounds to save family reputation. It is further contended that the injuries sustained by the husband of the victim are simple in nature and occurred during a scuffle between the appellant and husband of the victim. The appellant is languishing in jail since 24.04.2026.

6. Per contra, learned counsel for opposite party no. 2 as well as learned

AGA opposed the appeal and prayer for bail and submitted that on 06.04.2024, the appellant forcibly entered the house of the victim, caught hold of her from behind, and when she raised alarm, her husband and children reached the spot. It is further submitted that the appellant thereafter attacked the husband of the victim with a sharp-edged weapon on his neck, causing injuries.

7. Having heard learned counsel for the parties and perused the record, this Court finds that there was a consensual relationship between the appellant and the victim for the last 8-9 months prior to the incident and there no indecent videos of the alleged incident has been recovered or produced in support of the FIR version, although allegations have been levelled against the appellant regarding assault with a sharp-edged weapon, the medical evidence shows that the injury sustained by the husband of the victim is simple in nature as opined by the doctor.

8. Considering the overall facts and circumstances of the case, nature of allegations, evidence on record, and period of incarceration already undergone, and without expressing any opinion on the merits of the case, this Court is of the view that the appellant has made out a fit case for grant of bail.

9. Let the appellant- **Abhishekh Dhuriya @ Sonu** be released on bail in the aforesaid case crime number on furnishing a personal bond of Rs. 50,000/- 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 will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

ii) The appellant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.

iii) The appellant shall file an undertaking to the effect that he shall not seek any adjournment on the date 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.

iv) The appellant will not misuse the liberty of bail in any manner whatsoever. In case, the appellant misuses the liberty of bail during trial and in order to secure his presence proclamation under section 84 BNSS/82 Cr.P.C., may be issued and if appellant 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 209

BNS/174-A I.P.C.

v) The appellant shall remain present, in person, before the trial court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 251 BNSS/313 Cr.P.C. If in the opinion of the trial court absence of the appellant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law and the trial court may proceed against him under Section 269 BNS/229-A IPC.

vi) The trial court may make all possible efforts/endeavour and try to conclude the trial expeditiously after the release of the appellant.

10. The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the appellant to prison.

11. Accordingly, the appeal succeeds and the same stands allowed.

12. The impugned order dated 01.01.2026 passed by Additional Session Judge/Special Judge (SC/ST) Act, Prayagraj is hereby set aside.

June 4, 2026
Akbar

(Madan Pal Singh,J.)