



2026:AHC:125554

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 2013 of 2026

Chalu @ Durgesh

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Vijay Kumar Mishra
Counsel for Respondent(s)	:	G.A.

Court No. - 1

HON'BLE MADAN PAL SINGH, J.

1. List revised. None has appeared on behalf of opposite party no.2 despite service of notice.
2. Heard learned counsel for the appellant, learned A.G.A. for the State and perused the record.
3. The present criminal appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been preferred by the appellant seeking to set aside the order dated 02.02.2026 passed by learned Special Judge, SC/ST Act, Chitrakoot in Criminal Misc. Bail Application No.62 of 2026 in S.S.T. No.01 of 2026 arising out of Case Crime No.669 of 2025, under Sections 105, 115(2), 352, 351(3) of BNS and Section 3(1)(r), 3(1)(s) and 3(2)(v) of SC/ST (Prevention of Atrocities) Act, Police Station Karvi, District Chitrakoot whereby the bail application of the appellant has been rejected.
4. In short, the prosecution story is that the first information report of the present matter was lodged on 21.10.2025 by Bitti Devi against the appellant and 03 other persons alleging therein that on 20.10.2025 at about 8 PM her husband Kewal Ram was asked to bring water for consuming liquor by Mukesh to which he refused and then all the four accused abused him and assaulted him with lathi & danda due to which he received serious injury on his head. They then threatened him of life. Due to the said injury he became unconscious after which he was taken to District Hospital, Sonapur from where he was referred to a higher centre. He was then treated at Swaroopani Nehru Hospital, Prayagraj.
5. Learned counsel for the appellant submits that the appellant is an entirely

innocent and has been falsely implicated in the present case. There is no direct or indirect evidence against the appellant. Only general allegations of maarpeet by lathi, danda and iron rod has been levelled against all the accused persons including the appellant. No specific role assigned to the appellant. Nothing incriminating article has been recovered from possession or pointing out of the appellant. He further submits that **similarly placed co-accused Vijay Tiwari** has been granted bail by another co-ordinate Bench of this Court vide order dated 15.05.2026 passed in Criminal Appeal No.2411 of 2026, copy of bail order has been placed on record. He further submits that since the similarly placed co-accused has been granted bail, the appellant having similar role is also entitled for the bail on the ground of parity. He further submits that the applicant is having previous criminal history of one case in which he is on bail, copy of bail order has been annexed as Annexure No.8 to the affidavit. The appellant is languishing in jail since 26.11.2025 and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the trial.

6. On the other hand, learned A.G.A. vehemently opposed the the prayer for bail of the appellant but does not dispute the case regarding parity.

7. Having regard to the facts and circumstances of the case and keeping in view the nature of the offence, evidence, complicity of the accused, role assigned to the present appellant and the nature of injury, the Court is of the opinion that the appellant has made out a case for bail. The Court below erred in rejecting the bail application of the appellant. The impugned order suffers from infirmity and illegality and the same is liable to be set-aside.

8. Consequently, the appeal succeeds and is allowed. The impugned order dated 02.02.2026 passed by learned Special Judge, SC/ST Act, Chitrakoot in Criminal Misc. Bail Application No.62 of 2026, is hereby set aside.

9. Let the appellant-**Chalu @ Durgesh**, be released on bail in the aforesaid case crime number on furnishing a personal bond and two reliable sureties each in the like amount to the satisfaction of the court concerned, subject to the following conditions:

- (i) The appellant shall not tamper with the prosecution evidence and 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/her from disclosing such facts before the Court or any authority.

(ii) The appellant shall cooperate in the trial proceedings and shall remain present before the trial court on each and every date fixed unless his personal appearance is exempted by the court concerned.

(iii) The appellant shall file an undertaking before the trial court that he shall not seek any unnecessary adjournment on dates fixed for evidence when prosecution witnesses are present. In case of default, it shall be open for the trial court to treat the same as abuse of the liberty of bail and pass appropriate orders in accordance with law.

(iv) The appellant shall not misuse the liberty of bail in any manner whatsoever.

(v) In case the appellant misuses the liberty of bail during trial and in order to secure her presence a proclamation under Section 84 B.N.S.S. is issued and he fails to appear before the court on the date fixed in such proclamation, the trial court shall be at liberty to proceed against him in accordance with law.

(vi) The appellant shall remain personally present before the trial court on the dates fixed for (a) opening of the case, (b) framing of charge and (c) recording of statement under Section 351 B.N.S.S. If in the opinion of the trial court his absence on any such date is deliberate or without sufficient cause, it shall be open for the trial court to treat such default as abuse of the liberty of bail and proceed in accordance with law.

(vii) The trial court shall make all possible endeavours to conclude the trial expeditiously after the release of the appellant.

10. The identity, status and residential proof of the sureties shall be verified by the court concerned before acceptance of the bail bonds.

11. It is made clear that any wilful violation of the conditions imposed hereinabove shall have consequences in accordance with law and the court concerned shall be at liberty to cancel the bail granted to the appellant.

June 4, 2026

Ajeet

(Madan Pal Singh,J.)