



2026:AHC:125052

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 2693 of 2026

Sanjay

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	: Jigyasha Tripathi, Shantanu Srivastava, Surendra Kumar Tripathi
Counsel for Respondent(s)	: Amitabh Patel, G.A.

Court No. - 1

HON'BLE MADAN PAL SINGH, J.

1. Heard Sri Amit Daga, learned Senior Advocate assisted by Sri Shantanu Srivastava, learned counsel for the appellant, Sri Amitabh Patel, learned counsel for the opposite party no. 2, learned AGA for the State and perused the record.

2. 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 23.02.2026 passed by Special Judge (S.C./S.T.) Act, Agra in Bail application No. 870 of 2026 (Sanjay Versus State of U.P.) arising out of Case Crime No. 141 of 2022 under sections 420, 504, 506, 120-B of I.P.C. and section 3 (1) (da)/(dha) of S.C./S.T. Act Police Station- Tajganj, District-Agra, and with a further prayer to release the appellant on bail in the aforesaid case.

3. As per the prosecution story, the informant, who belongs to the Scheduled Caste community, was the recorded tenure-holder and cultivator of Khasra No. 344, area 0.4356 hectare, and ancestral Khasra Nos. 345 and 346, having a total area of 0.7938 hectare, situated in Village Naufri, Tehsil Achhnera, District Agra. It is alleged that the accused persons, in conspiracy with each other, prepared forged documents and illegally got a portion of Khasra No. 346 transferred in favour of accused Neeraj Kumar despite having no lawful right, title or interest therein. Upon obtaining a copy of the revenue records, the informant came to know about the alleged fraudulent transfer. When he questioned the accused over the telephone, the accused allegedly abused him by using caste-indicative words and threatened to kill him and his family members. Thereafter, on the recommendation of the concerned authorities following an inquiry, the present case was registered against the accused persons.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case and is only a marginal witness to the alleged sale deed. It is further submitted that initially the FIR was registered under Section 467 IPC as well, however, during investigation, Section 467 IPC was deleted and all the remaining offences are punishable with imprisonment of less than seven years. Learned counsel further submits that the dispute between the parties is purely civil in nature and several litigations between them are pending before the civil court. It is also submitted that the appellant has no criminal antecedents, as stated in paragraph no. 21 of the affidavit filed in support of the bail application, and he has been languishing in jail since 17.02.2026.

5. Per contra, learned counsel for the State opposed the appeal and prayer for bail but could not dispute the fact.

6. Considering the submissions of learned counsel for the appellant that the appellant is only a marginal witness to the sale deed, that Section 467 IPC has been deleted during investigation and the remaining offences are triable by Magistrate, that the dispute appears to be of civil nature with ongoing litigation between the parties, along with the absence of criminal antecedents, this Court is of the view that the appellant may be enlarged on bail.

7. Let the appellant- **Sanjay** 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.

8. 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.

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

10. The impugned order dated 23.02.2026 passed by Special Judge (SC/ST) Act, Agra is hereby set aside.

June 3, 2026
Akbar

(Madan Pal Singh,J.)