



2026:AHC:124687

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 2753 of 2026

Atik

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Rajesh Kumar Roy Sharma
Counsel for Respondent(s)	:	G.A.

Court No. - 1

HON'BLE MADAN PAL SINGH, J.

1. Case called out in the revised call. Despite service of notice, no one has appeared on behalf of the appellant to press the present appeal.
2. Heard learned counsel for the appellant, learned AGA for the State 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 7.1.2026 passed by learned Special Judge SC/ST Act, District Aligarh in Bail Application no. 5263 of 2025 (Atik Vs. State of U.P.) arising out of Case Crime No. 12 of 2012 under section 147, 148, 149, 307, 452, 504, 506 I.P.C. and 3 (2)v SC/ST Act, Police Station- Sasni Gate, District- Aligarh, and with a further prayer to release the appellant on bail in the aforesaid case.
4. Learned counsel for the appellant submitted that the appellant had earlier been granted bail, however, during the course of the trial, he absconded. Subsequently, the appellant surrendered before the trial court and has been in judicial custody since 17.12.2025. Learned counsel further submitted that no injury was caused in the alleged incident. He undertakes that the appellant shall fully cooperate with the trial proceedings and shall appear before the trial court on every date fixed, as and when required. It is further submitted that the appellant will not misuse the liberty of bail, if granted by this Court.
5. Per contra, learned counsel for the State opposed the appeal and prayer for bail but could not dispute the fact.
6. Having considered the submissions advanced by learned counsel for the parties, the fact that no injury was caused in the alleged incident, and that the

appellant, after surrendering before the trial court, has remained in custody since 17.12.2025, this Court is of the view that the appellant has made out a case for grant of bail. The undertaking furnished on behalf of the appellant that he shall cooperate with the trial and appear before the trial court on all dates fixed. Without expressing any opinion on the merits of the case, the appellant is entitled to be enlarged on bail during the pendency of the trial.

7. Let the appellant- **Atik** be released on bail in the aforesaid case crime number on furnishing a personal bond of Rs. 1,00,000/- 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 07.01.2026 passed by Special Judge (SC/ST) Act, Aligarh is hereby set aside.

June 2, 2026
Akbar

(Madan Pal Singh,J.)