



2026:AHC:127008

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 3121 of 2026

Savitri Devi

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Brajesh Kumar Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 1

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Abhishek Kumar Shukla, Advocate, holding brief of Sri Brajesh Kumar Singh, learned counsel for the appellant and Sri V.D. Ojha, learned A.G.A. for the State/opposite party no.1 and perused the records.

3. Notice was issued to the opposite party no.2 vide order dated 26.03.2026. As per office report dated 27.05.2026, notice has been served personally on the opposite party no.2. The report to the said effect has been placed on record as Flag-'X'.

4. This Court has perused the said report dated 21.04.2026, the In charge Chief Judicial Magistrate Mainpuri stating that the notice has been served on the opposite party no.2.

5. A report of the concerned Police Station has also been enclosed with it. It is proof of receipt of notice by the opposite party no.2. Despite service of notice on the opposite party no.2, no one appears on his behalf.

6. This is second prayer for bail in criminal appeal under Section 14A(2) of SC/ST (Prevention of Atrocities) Act, 1989 has been filed by the appellant Savitri Devi with the prayer to set-aside the impugned order dated 20.02.2026 passed by Additional Sessions Judge/Special Judge (SC/ST) (P.A.) Act, Mainpuri in Bail Application No. 292 of 2026 (Savitri Devi Vs. State of U.P.) arising out of Case Crime No. 371 of 2023, under Sections 302, 201 I.P.C. and Section 3(2)(5A) of SC/ST Act, Police Station Bicchawan, District Mainpuri and with a further prayer to release the

appellant on bail in the aforesaid case.

7. The first prayer for bail of the appellant was dismissed by another Bench of this Court vide order dated 02.01.2025 passed in Criminal Appeal No. 4972 of 2024 (Savitri Devi Vs. State of U.P. and Another). The said order reads as under:-

"1. This criminal appeal under Section 14-A (2) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been preferred by the appellant Savitri Devi against the bail rejection order dated 29.3.2024 passed by the Special Judge/ (SC/ST Act), Mainpuri in case crime no. 371 of 2023, under Sections 302, 201 I.P.C. and under Sections 3(2)5 SC/ST Act, Police Station Bichhva, District- Mainpuri.

2. Heard learned counsel for the appellant, learned AGA and perused the entire record.

3. The deceased Sunny, shopkeeper and brother of the informant Manoj Kumar was assaulted by the named accused persons Ramesh Chandra, Savitri Devi, Ashish and the present appellant Lalu @ Lalit and they sustained injuries. Subsequently his dead body was found on the next day in the bushes of a field. FIR was lodged and after initiation of prosecution charge sheet against the present accused appellant in this matter was submitted by the I.O. however, the name of accused no.3 Ashish was exonerated.

4. It is submitted by the learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. She has not committed the present offence. Alleged offences are not attracted against her. It is further submitted that there is no eye-witness of the alleged occurrence. the present accused appellant has not been assigned any specific role in commission of the crime and as a matter of fact no one has seen any accused person making assault upon the deceased. It is further submitted that prosecution case rests upon circumstantial evidence and the chain of evidence is not complete. It is further submitted that no motive of the occurrence has been assigned by the prosecution and the present appellant has been falsely implicated in this case. He is languishing in jail since 5.11.2023 having no criminal antecedents to her credit. The trial Court while passing the impugned order did not take into account the facts and evidence available on record in right perspective and erred in passing the

same. It is lastly submitted that the impugned order rejecting the bail application of the appellant suffers from infirmity and illegality warranting interference by this Court.

5. On the other hand, learned AGA vehemently opposed the appeal and bail application moved by the accused appellant and it has been submitted that that the appellant committed the present offence having knowledge that the victim belonged to scheduled caste community. It is further submitted that the deceased was an employee in the shop of Smt. Premlata who had witnessed the occurrence of assault made upon the deceased. It is further submitted that just on the next day of occurrence of assault the dead body of the deceased was found in the bushes. It is further submitted that during course of investigation sufficient evidence has been collected by the I.O. The post mortem report also reveals that the deceased has sustained several multiple abrasion on the forehead of left side of face and many other injuries. The hyoid bone is also fractured and the cause of death has been found asphyxia as a result of ante mortem strangulation. It is further submitted that it is a case of murder of a young boy and the present appellant is not entitled for any mercy of this Court by way of grant of bail. There is no infirmity or illegality in the impugned order dated 29.3.2024. On these grounds prayer for dismissal of the appeal and rejection of the bail application has been made.

6. I have considered the rival submissions made by the learned counsel for the parties and have gone through the entire record including the impugned order carefully.

7. It appears from the arguments advanced by the counsel for the parties and from perusal of material on record that the trial court has properly considered the case of the appellant while deciding the bail application. Hence, having regarding to the facts and circumstances of the case and keeping in view the nature of the offence, evidence, complicity of the accused, and also keeping in view the fact that during investigation ample and sufficient evidence has been collected against the present appellant by the I.O., the injuries sustained by the deceased as a result of assault by the named accused persons including the present accused appellant and also to the fact that the deceased was a member of weaker section of society and belongs to SC/ST community, this Court is of the opinion that the appellant has not made out a case for bail. The Court concerned passed a reasoned

order while rejecting the bail application of the appellant. The impugned order does not suffer from any infirmity and illegality and the same is liable to be affirmed and the appeal is liable to be dismissed.

8. Accordingly, the impugned order rejecting the bail application of the appellant is affirmed and the appeal is dismissed. "

8. The submission of learned counsel for the appellant is that the trial in the matter has started in which four witnesses have been examined. It is submitted while placing statement of Smt. Premlata PW-3 that she is the sole alleged eye witness of the incident but has not supported the prosecution case. It is submitted that perusal of her statement would go to show that appellant has been falsely implicated in the present case. It is submitted that she told the brother of the deceased that some persons had assaulted the deceased. It is further submitted that co-accused Ramesh Chandra has been granted bail by another Bench of this Court vide order dated 18.09.2025 passed in Criminal Appeal No. 4605 of 2025 (Ramesh Chandra Vs. State of U.P. and another) and further co-accused Lalu Alias Lalit has also been granted by another Bench of this Court vide order dated 02.02.2026 passed in Criminal Appeal No.7237 of 2025 (Lalu Alias Lalit Vs. State of U.P and another). The appellant has no criminal history as stated in para 13 of the appeal. It is further submitted that appellant is in jail since 05.11.2023 and is a lady.

9. Per contra, learned counsel for the State opposed the appeal and prayer for bail and submitted that this is the second prayer for bail of the appellant and it is submitted that in so far as the evidence of PW-3 is concerned, she has not been declared hostile and she is eye witness of the incident. It is submitted that trial in the matter is going on which is at an advanced stage inasmuch as the evidence of formal witnesses has been recorded and Dr. Satendra Saraswat has been examined as PW-4 through video conference who conducted the post mortem examination of the deceased. It is submitted that the witnesses have supported the prosecution case. It is further submitted that co-accused Ramesh Chandra and Lalu Alias Lalit have been granted bail by another Bench of this Court but the fact that the first bail of the appellant was rejected has not been considered in the said orders. It is submitted that case of the accused are identical. It is submitted that there is no fresh ground in the matter.

10. After having heard learned counsels for the parties and perusing the records, it is evident that this is the second prayer for bail in appeal of the accused appellant. Her first prayer for bail in appeal was rejected by another Bench of this Court vide order dated 02.01.2025, trial in the matter is going on in which four witnesses have been examined. The deceased as per the post mortem examination was found who have received 7 injuries on his person and the cause of death was opined as Asphyxia due to ante-mortem strangulation and the hyoid bone was found to be fractured alongwith first and second tracheal rings also. The trial in the matter is at the advanced stage, the appreciation of statement of witnesses in the bail application is not in the fitness of things. The same has to be done by the trial court at the appropriate stage. I do not find it a fit case for interference.

11. Considering the totality of the case in particular, nature of evidence available on record, I am not inclined to allow the present appeal.

12. The appeal is, accordingly, *rejected*.

June 12, 2026
Imtiyaz

(Samit Gopal,J.)