



2026:AHC:124790

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 3345 of 2026

Rinku Yadav

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	: Rajesh Kumar, Syed Naushad Husain Shah
Counsel for Respondent(s)	: G.A., Pankaj Kumar Mishra

Court No. - 1

HON'BLE MADAN PAL SINGH, J.

1. Supplementary affidavit has been filed today, is taken on record.
2. List revised. Learned counsel for the appellant is present. However, learned counsel for opposite party no.2 is not present.
3. Heard learned counsel for the appellant, learned A.G.A. for the State and perused the record.
4. 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 09.03.2026 passed by Special Judge SC/ST Act, Chandauli in Bail Application No.373 of 2026 in Special Session Trial No.1297 of 2025 arising out of Case Crime No.0073 of 2025, under Sections 74, 333, 115(2), 352, 351(2), 64(1) BNS and 3(1) (Da), 3(1)(Dha) and 3(2)V, 3(2) Va of SC/ST Act, Police Station Chakarghatta, District Chandauli whereby the bail application of the appellant has been rejected.
5. Briefly stated, the prosecution case is that the impugned FIR was lodged alleging that on 02.11.2025 at about 1:00 a.m., the accused-appellant, Rinku Yadav, scaled the boundary wall of the informant's house and entered the premises, where the victim was sleeping. It is alleged that he grabbed her, and when she awoke and protested, he abused her using caste-related remarks, struck her on the head with a fist, and threatened to kill her and her husband. The victim raised an alarm, but the accused allegedly prevented her from speaking. During the commotion, a household utensil fell, creating a loud noise. Hearing the disturbance, her husband, who was sleeping in an outer room, attempted to open the door but found it locked from inside. He

then climbed onto the roof and raised an alarm, upon which several villagers, namely Jawahar (son of Prabhu), Sonia (wife of Prabhu), Vijay (son of Ramji), Anita, and Aryan (son of Ramjeet), gathered outside the house. On hearing the commotion, the accused fled from the house. The victim unlocked the outer door, allowing her husband and the villagers to enter. Although they attempted to apprehend the accused as he climbed over the wall to escape, he managed to flee after allegedly assaulting the victim. It is further alleged that Prabhu sustained injuries during the incident. While escaping, the accused purportedly left behind his shoes, shirt, and jacket at the victim's house.

6. Learned counsel for the appellant submits that the appellant is a wholly innocent and has been falsely implicated in the present case. Initially, the FIR was lodged under Sections 74, 333, 115(2), 352, 351(2) BNS alongwith Sections 3(1) (Da)(Dha) and 3(2) Va of SC/ST Act and at that stage, there was no allegation of rape made against the appellant. He further submits that even in the statement under Section 183 BNSS, which was recorded before the court below, the prosecutrix did not contain any allegation of rape against the appellant, thereafter, further investigation was ordered by the trial court on the request of the investigating officer and again statement under Section 183 BNSS was recorded in which the prosecutrix, for the first time, has made allegations of commission of rape against the appellant. He further submits that the appellant has no criminal history, is in judicial custody since 21.02.2026 and undertakes to cooperate in the trial proceedings. It is, therefore, prayed that the appellant be enlarged on bail.

7. Learned AGA vehemently opposed the submissions advanced by learned counsel for the appellant and has submitted that the matter was further investigated and charge sheet has been submitted. The prosecutrix in her statement recorded under Section 183 BNSS has specifically made allegation of commission of rape against the appellant.

8. Having heard learned counsel for the parties and perused the record, the Court found that there was no allegation whatsoever regarding the commission of rape either in the initial FIR or in the prosecutrix's first statement recorded under Section 183 of the BNSS. Subsequently, after a gap of about two months, another statement under Section 183 BNSS was recorded, in which the prosecutrix, for the first time, alleged that the applicant had forcibly committed rape upon her. The FIR itself had been lodged five days after the alleged incident, yet it contained no allegation of rape.

9. Without expressing any opinion on the merits of the case and considering the nature of accusation, the evidence available on record, the period of incarceration undergone by the appellant, the absence of any criminal antecedents and the settled principles governing grant of bail, this Court finds that the appellant has made out a fit case for grant of bail.

10. Consequently, the appeal succeeds and is allowed. The impugned order dated 09.03.2026 passed by Special Judge SC/ST Act, Chandauli in Bail Application No.373 of 2026, is hereby set aside.

11. Let the appellant-**Rinku Yadav**, 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.

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

13. 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 2, 2026
Ajeet

(Madan Pal Singh,J.)