



2026:AHC:125112

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 4013 of 2026

Kali Charan

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Sunil Kumar
Counsel for Respondent(s)	:	G.A., Vipin Chandra Pandey

Court No. - 1

HON'BLE MADAN PAL SINGH, J.

1. Heard Mr. Sunil Kumar, learned counsel for the appellant, Mr. Vipin Chandra Pandey, learned counsel for the opposite party no.2, learned A.G.A. for the State and perused the record.

2. 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 07.04.2026 passed by Special Judge (SC/ST Act), Agra in Criminal Misc. Bail Application No.1147 of 2026 in Session Case No.1575 of 2025 arising out of Case Crime No.80 of 2025, under Sections 191(2), 190, 115(2), 352, 351(3), 127(2) BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST Act, Police Station Fatehabad, District Agra whereby the bail application of the appellant has been rejected.

3. Briefly stated, the prosecution case is that the impugned FIR was lodged by opposite party no. 2, alleging that on 03.03.2025, while he was returning from Moradabad to Bhadrolee Chilling Plant in his Tanker bearing Registration No. UP-83 BT-0784, he was intercepted on the road between Bajidpur and Pratappura by the accused Monu, Chotoo Panhar Waly, and the appellant Kali Charan, along with 10–15 unknown persons. It is alleged that all the accused persons assaulted him and hurled caste-based abuses at him. It is further alleged that the accused persons took him hostage and forcibly brought him to Karmachar Filling Station in their Car. They also took possession of his Truck and continued to detain him unlawfully. Thereafter, he called the emergency helpline number 112, upon which the police arrived at about 6:45 p.m. He subsequently reached the police station where the Inspector called him to the filling station. It is also alleged that the accused

persons assaulted him while he was inside the car and snatched away his mobile phone.

4. 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. Nothing incriminating article has been recovered from the possession or pointing out of the appellant. He further submits that the real fact is that the appellant and the informant are the partner and both of them purchased the Tanker in partnership but later on the partnership was broken by the informant because the informant did not paid the outstanding amount and when the appellant has demanded his outstanding money, just to exert pressure upon the appellant, the informant has lodged the impugned FIR. He further submits that on fateful day, only conversation about the return of money in a very smooth atmosphere has taken place but under a planned game, the informant has made allegation upon the appellant and lodged the FIR. He further submits that during investigation the appellant has fully cooperated in the investigation and after investigation, charge sheet has been submitted against 12 accused persons including the appellant. He further submits that after getting information regarding initiation of trial court proceeding, the appellant himself has appeared before the trial court concerned and filed bail application but his bail application was rejected. He further submits that maximum punishment under the alleged offence is seven years. Although the applicant is having some previous criminal history but he has not been previously convicted. The appellant is languishing in jail since 07.04.2026 and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the trial.

5. Learned counsel for the appellant further submits that similarly placed co-accused persons, namely, Davendra Singh @ Bhulla, Bobby Singh, Yatendra Singh, Jagveer Singh have already been granted bail by the trial court. Since the case of the appellant is standing on much better footing than to the co-accused persons, who have already been granted bail, the appellant is also entitled for the bail on the ground of parity.

6. On the other hand, learned A.G.A. vehemently opposed the the prayer for bail of the appellant and has submitted that the appellant committed the present offence having knowledge that the victim belongs to S.C./S.T. Community. There is no infirmity or illegality in the impugned order.

7. 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.

8. 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.

9. Consequently, the appeal succeeds and is allowed. The impugned order dated 07.04.2026 passed by Special Judge (SC/ST Act), Agra in Criminal Misc. Bail Application No.1147 of 2026, is hereby set aside.

10. Let the appellant-**Kali Charan**, 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.

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

12. 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 3, 2026

Ajeet

(Madan Pal Singh,J.)