



2026:AHC:125031

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 5607 of 2026

Mohit

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Mehul Khare, Saurabh Kesarwani
Counsel for Respondent(s)	:	G.A.

Court No. - 1

HON'BLE MADAN PAL SINGH, J.

1. Sri Darshan Gupta, Advocate filed his vakalatnama on behalf of the opposite party no. 2 is taken on record.
2. Heard Sri Saurabh Kesarwani, learned counsel for the appellant, Sri Darshan Gupta, learned counsel for the opposite party no. 2, 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 22.04.2026 passed by learned Court of Special Judge (S.C./S.T.) (P & A) Act, Bulandshahr in Bail application No. 2117 of 2026 (Mohit Versus State of U.P.) arising out of Case Crime No. 350 of 2025 under sections 109(1), 115(2), 351(2), 352, 3(5) of B.N.S. and section 3(2) (Va) of S.C./S.T. Act Police Station-Pahasu, District-Bulandshahr, and with a further prayer to release the appellant on bail in the aforesaid case.
4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case. He further submits that, as per the injury report, the injured sustained nine injuries, namely contusions, swelling and a linear abrasion. There is neither any sharp-edged injury nor any fracture found on the body of the injured. It is, therefore, contended that the injuries, as reflected in the medical report, do not attract the offence punishable under Section 109(1) of the B.N.S. Learned counsel further submits that both the informant and the injured have turned hostile during the course of trial. It is also submitted that the appellant has no criminal antecedents, as disclosed in paragraph no. 24 of the affidavit filed in support of the bail application, and has been languishing in jail since 11.10.2025.

5. Per contra, learned counsel for the opposite party no. 1 as well as learned AGA for the State opposed the appeal and prayer for bail but could not dispute the fact.

6. After having heard learned counsels for the parties and perusing the records, the nature of injuries sustained by the injured, which are stated to be contusions, swelling and a linear abrasion without any sharp-edged injury or fracture, the fact that both the informant and the injured have turned hostile during trial, the absence of any criminal antecedents of the appellant, this Court is of the view that the appellant may be enlarged on bail.

7. Let the appellant- **Mohit** 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 22.04.2026 passed by Special Judge (SC/ST)(P & A) Act, Bulandshahr is hereby set aside.

June 3, 2026
Akbar

(Madan Pal Singh,J.)