



2026:AHC:125872

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 117 of 2026

Asif @ Padda

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

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

Court No. - 1

HON'BLE MADAN PAL SINGH, J.

1. List revised. None has appeared on behalf of opposite party no.2 despite service of notice.

2. Heard Mr. Narendra Kumar Singh, learned counsel for the appellant, learned AGA for the State and perused the record.

3. This criminal appeal under Section 14-A(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 01.08.2025 passed by Additional Session Judge, Court No.2/ Special Judge (SC/ST) Act, Farrukhabad in Bail Application No.807 of 2025 arising out of Case Crime No.43 of 2025, under Sections 333, 115(2), 352, 351(3), 125, 103 BNS and 3(2)(v) of SC/ST Act, Police Station Maudarwaja, District Farrukhabad whereby the bail application of the appellant was rejected.

4. Brief facts of the case are that the impugned FIR has been lodged by the informant alleging that on 07.02.2025, at about 6:00 p.m., his brother, Rajat, was standing near the house of Jabbar when the accused, Asif @ Padda and co-accused Laka, arrived there and demanded money from him for the consumption of alcohol. Upon Rajat's refusal, both accused persons allegedly started abusing him. When Rajat objected to their conduct, the accused persons allegedly assaulted him with a danda (wooden stick). It is further alleged that Rajat somehow managed to escape from the assailants and ran towards his house. However, the accused persons allegedly continued the assault by pelting stones and bricks at him, as a result of which he sustained grievous injuries to his head. The FIR further states that on

08.02.2025, both accused persons allegedly trespassed into the informant's house. Although the informant attempted to lodge a complaint regarding the said incident, the accused persons allegedly extended threats to his life, thereby deterring him from taking immediate legal action. It is further alleged that due to the injuries sustained in the aforesaid incident, Rajat succumbed to his injuries on 10.02.2025. Thereafter, the post-mortem examination of the deceased was conducted by the local police on 11.02.2025.

5. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in the present case. It is contended that there is neither any direct nor indirect evidence connecting the appellant with the alleged offence. It is further submitted that the incident is alleged to have occurred on 07.02.2025, whereas the impugned FIR was lodged on 13.02.2025, after a delay of six days. No plausible explanation for such delay has been provided in the FIR. Learned counsel further argues that, on the date of the incident, the deceased was under the influence of alcohol, as is evident from the post-mortem report. It is submitted that the injury sustained by the deceased may have been caused due to some other reason, and the unexplained delay in lodging the FIR casts serious doubt on the prosecution case. It is also submitted that the informant is not an eyewitness to the alleged incident. The prosecution relies upon only one eyewitness, namely the sister-in-law of the deceased, whose version merely reiterates the facts stated by the informant. Learned counsel further submits that the informant was present at the time of preparation of the Panchayatnama (inquest report), yet no allegation was made against the appellant or the co-accused persons at that stage. Attention has also been drawn to the post-mortem report, wherein the cause of death has been recorded as being attributable to excessive consumption of liquor. Lastly, it is submitted that the appellant is having previous criminal history of 6 cases which has been explained in paragraph 15 of the affidavit and applicant is in judicial custody since 18.04.2025.

6. On the other hand, learned AGA vehemently opposed the prayer made by learned counsel for the appellant and has submitted that the appellant is named in the FIR. Specific allegation for committing maarpeet with the deceased has been assigned to the appellant and co-accused but he fairly submits that there is no reason given in the FIR as well as statement witness regarding delay in lodging the FIR.

7. Having considered the rival submissions advanced by the learned counsel for the parties and upon perusal of the record, this Court finds that the alleged incident is stated to have occurred on 07.02.2025, whereas the FIR was lodged on 13.02.2025, i.e., after a delay of about six days. No satisfactory explanation for such delay has been furnished. A perusal of the FIR further reveals that the appellant and the co-accused are alleged to have assaulted the deceased with a lathi and a danda. However, the post-mortem report indicates the presence of only one injury on the body of the deceased. The Panchayatnama also reflects that the informant was present at the time it was prepared. Furthermore, the post-mortem report records that an alcoholic smell was noticed during the examination of the deceased.

8. Looking to the facts and circumstances of this case, the nature of evidence and also the absence of any convincing material to indicate the possibility of tampering with the evidence, this Court is of the view that the appellant may be enlarged on bail.

9. Accordingly, the appeal succeeds and is **allowed**. The impugned order dated 01.08.2025 passed by Additional Session Judge, Court No.2/ Special Judge (SC/ST) Act, Farrukhabad in Bail Application No.807 of 2025, is hereby set aside.

10. Let the appellant-**Asif @ Padda**, be released on bail in the aforesaid case crime number on furnishing a personal bond of Rs.1,00,000/- (one lakh) and two sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:-

(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.

11. 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.

June 5, 2026
Ajeet

(Madan Pal Singh,J.)