



2026:AHC:128784

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 3072 of 2026

Tabish Rana

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Neeraj Kumar Srivastava, Rajesh Kumar
Counsel for Respondent(s)	:	G.A.

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. It appears, notice has already been served upon opposite party no.2. Despite service of notice none present on behalf of opposite party no.2.
2. Supplementary affidavit filed by the applicant is taken on record.
3. Heard Sri Neeraj Kumar Srivastava, learned counsel for appellant and Dr. S.B. Maurya, learned AGA-I for the State.
4. The instant appeal has been filed by the appellant with a prayer to set aside the impugned order dated 13.03.2026 passed by Special Judge, SC/ST (Prevention of Atrocities) Act by which, bail application of the appellant has been rejected in Case Crime No. 43 of 2026, under Sections 351(2), 352, 78, 316(2), 64(2)M, 115(2) BNS, Section 3(1)Da, 3(1)Dha, 3(2)(v), 3(2)(va) SC/ST Act, Section 3/5(1) of U.P. Prohibition of Unlawful Conversion of Religion Act and Section 67 of I.T. Act, Police Station Hathras Gate, District Hathras.
5. Learned counsel for appellant submits, the instant appeal has been directed against the impugned order dated 13.03.2026 by which, bail application of the appellant has been dismissed. He next submits, court concerned wrongly dismissed the bail application of the appellant as prima facie appellant appears to be innocent.
6. He next submits, however, as per allegation, appellant was continuously torturing the daughter of informant and pressurizing her to marry and also sexually exploited her but entire allegations leveled against applicant are totally false.

7. He further submits, admittedly victim i.e. daughter of informant i.e. opposite party no.2 is a major girl and appellant and victim both were in relationship but subsequently their relationship become strained and thereafter FIR of the present case was lodged.

8. He next submits, there is no allegation in the FIR that appellant also made physical relationship with victim but when the statements of victim under Sections 180 and 183 BNSS were recorded then she also started making allegation of making physical relationship and this fact clearly suggests that entire prosecution case is false.

9. He further submits, even from perusal of statements of victim recorded during investigation prima facie story narrated by her appears to be improbable. He further submits, court concerned could not properly apply its mind and wrongly dismissed the bail application of the appellant.

10. He further submits, there is no allegation that appellant committed the alleged offence because victim belongs to Scheduled caste community and therefore even prima facie offence under the provisions of SC/ST Act is not made out against appellant.

11. He further submits, however, apart from the present case appellant is having criminal history of four other cases but his criminal history has been explained and considering the facts of the case it is not proper to dismiss the instant appeal of the appellant merely on the basis of his criminal history.

12. He further submits, considering the facts and circumstances of the case, the impugned order dated 13.03.2026 is liable to be set aside and appellant is entitled to be released on bail.

13. Per contra, learned AGA opposed the prayer for bail and submits, with a very detailed order court concerned rejected the bail application of the appellant and considering the statements of victim recorded under Sections 180 and 183 BNS it cannot be said that there is any illegality in the impugned order. Learned AGA further submits, the instant appeal is devoid of merits and it should be dismissed.

14. I have heard both the parties and perused the record of the case.

15. The instant appeal has been filed by the appellant against the impugned order dated 13.03.2026 passed by the court concerned by which his bail

application has been dismissed.

16. According to the prosecution, appellant was harassing the daughter of the informant and was continuously pressurizing her to perform marriage with him and even made physical relationship with her but it reflects, admittedly victim was major girl and entire story narrated by her in her statements recorded under Sections 180 and 183 BNSS appears to be highly improbable.

17. Considering the facts of the case, the argument advanced by learned counsel for appellant at this stage cannot be completely disbelieved and considering the overall facts and circumstances of the case in considered view of this Court, while rejecting the bail application of the appellant vide impugned order dated 13.03.2026 court concerned committed illegality and impugned order dated 13.03.2026 appears to be illegal.

18. Further, however, apart from the present case appellant is having criminal history of four other cases but his criminal history has been explained in the instant appeal and in view of this Court merely on the basis of criminal history it is not proper to dismiss the appeal filed by the appellant.

19. Therefore, considering the facts and circumstances of the case discussed above, impugned order dated 13.03.2026 is set aside. Appellant is directed to be released on bail during trial.

20. Accordingly, the instant appeal stands **allowed**.

21. Let the appellant- **Tabish Rana**, be released on bail in the aforesaid case, on his furnishing a personal bond and two reliable sureties of the like amount to the satisfaction of the court concerned with the following conditions:

(i). The appellant will not tamper with the evidence during the trial.

(ii). The appellant will not pressurize/ intimidate the prosecution witness.

(iii). The appellant will appear before the trial court on the date fixed, unless personal presence is exempted.

(iv). The appellant shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are

suspected.

(v). The appellant 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

22. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

June 23, 2026
AK Pandey

(Sameer Jain,J.)