



2026:AHC:129091

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 5652 of 2026

Vishal

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Alauddin, Fakhruddin
Counsel for Respondent(s)	:	G.A.

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Sri Anirudh Kumar Upadhyay, Advocate filed his power on behalf of opposite party no. 2 which is taken on record.
2. Counter affidavit filed by the State is also taken on record.
3. Heard Sri Aluiddin, learned counsel for the appellant and Sri Anirudh Kumar Upadhyay, learned counsel for opposite party no.2 and Sri Ramesh Kumar, learned A.G.A. for the State.
4. The instant appeal has been filed by the appellant with a prayer to set aside the impugned order dated 28.4.2026 passed by Special Judge, SC/ST (PA) Act, Siddharth Nagar by which the bail application of the appellant has been rejecte4d in Case Crime No. 24 of 2026 under Sections 108, 352, 351(3) B.N.S. and Section 3(2)(V) SC/ST (PA) Act, Police Station-Khesraha, District Siddharth Nagar.
5. Learned counsel for the appellant submits appellant is innocent but inspite of that court concerned dismissed his bail application vide impugned order dated 28.4.2026.
6. He next submits, however, as per prosecution due to the abatement of the appellant deceased i.e. daughter of the informant/opposite party no.2 committed suicide but entire allegation levelled against the appellant are totally false.
7. He next submits that actually deceased was major and applicant and

deceased both were in relationship and deceased went along with the applicant but applicant could not perform court marriage with him and, therefore, due to pressure of the informant deceased started living in her paternal home and in the mean time applicant went to Mumbai, however, he was in constant touch with the deceased but deceased was badly tortured by her family member including informant and due to their torture she committed suicide but after her death on the basis of false allegation applicant has been made accused in the present matter.

8. He next submits there is no cogent evidence of abatement against the applicant but inspite of that court concerned dismissed the bail application of appellant and thus committed gross illegality.

9. He next submits that order dated 28.4.2026 by which bail application of the applicant was dismissed is highly illegal and is liable to be set aside.

10. He further argued apart from the present case the applicant is not having any criminal history and in the present matter he is in jail since 21.3.2026. He next submits, therefore, instant appeal may be allowed and applicant may be directed to be released on bail during pendency of the present appeal.

11. Per contra, learned A.G.A. and learned counsel for opposite party no.2 opposed the prayer and submitted applicant firstly enticed the deceased and thereafter did not perform marriage with her and on phone he used to torture her and due to her abatement and torture ultimately she had to commit suicide and, therefore, it cannot be said that there is no cogent evidence against the applicant on record.

12. They further submits there is no illegality in the impugned order dated 28.4.2026 and court concerned rightly dismissed the bail application of the applicant.

13. They further submit instant appeal filed by the appellant is devoid of merit 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 against the order dated 28.4.2026

passed by the Special Judge SC/ST Act by which bail application of the applicant has been dismissed.

16. As per prosecution applicant firstly enticed away the daughter of the informant and subsequently due to his abatement she committed suicide as applicant did not perform court marriage with her and he was continuously threatening her on phone. Considering the entire material available on record in view of this Court, prima facie, there is no cogent evidence which can suggests due to abatement of the applicant deceased committed suicide and considering overall facts and circumstances of the case the argument advanced by learned defence counsel cannot be disbelieved, specifically considering the fact that deceased appears to be major.

17. Therefore, considering the overall facts and circumstances of the case discussed above, in view of this court the impugned order dated 28.4.2026 is illegal and is hereby set aside. Appellant is directed to be released on bail during trial.

18. Accordingly, impugned appeal instant allowed.

19. Let the appellant- **Vishal**, 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.

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

(Sameer Jain,J.)

June 23, 2026
Kumar Manish