



2026:AHC:62002

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 2226 of 2024

Smt Minakshi

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	: Adesh Kumar
Counsel for Respondent(s)	: Anil Kumar Mishra, G.A., Manoj Kumar Dubey

Court No. - 50

HON'BLE SHEKHAR KUMAR YADAV, J.

1. The present criminal appeal under Section 14-A(2) Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act has been filed by the appellant to set aside the bail rejection order dated 03.02.2024 passed by Special Judge (SC/ST Act) Muzaffarnagar in Bail Application No.322 of 2024 arising out of Case Crime No.09 of 2024, under Sections 302, 120-B, 342 read with Section 34 IPC and 3(2)(v) of SC/ST Act, Police Station Khatauli, District Muzaffarnagar.

2. Heard learned counsel for the appellant, the learned AGA for the State-respondent no.1, learned counsel for the informant and perused the entire record. .

3. In short, the prosecution case is that the impugned FIR has been lodged by the father of the deceased alleging therein that on 07.01.2023 at about 08.00 pm, the younger son of informant went to the house of Karan Pal alongwith Karan Pal's son and when he did not return then the informant called him on his mobile but his mobile was switched off, thereafter, upon pressure the son of Karan Pal disclosed that his son was in the house of the accused appellant and when the informant alongwith his son Lavkush reached to the house of the appellant and knocked her gate but door was not opened then upon suspicion the son of informant called police by dialing 112 number, thereafter, police reached to the place of occurrence and forcibly opened the door then it was found that appellant Minakshi and three other unknown accused persons were present and informant son was lying tied in an unconscious state with a muffler tied around his neck and blood was also

oozing from his forehead and legs, thereafter, they immediately took his son to government hospital for treatment where doctors declared him dead.

4. Submission of learned counsel for the appellant is that the appellant is innocent and has been falsely implicated in this case. The appellant has not committed any offence as alleged in the impugned FIR. Prosecution story is totally false and fabricated. There is no direct or indirect evidence against the appellant. The incident is said to have taken place on 07.01.2024 whereas the impugned FIR has been lodged on 08.01.2024 i.e. one day delayed for which no explanation has been mentioned. As per version of the FIR as well as statements of informant and other witnesses, there are material contradictions. So far as allegation regarding illicit relation is concerned is concerned even if the same is accepted to be true then there was no motive or intention to the appellant to commit such crime in as much as prosecution witnesses also failed to attribute any strong motive against the appellant for committing crime in question, therefore, in absence of any strong motive false implication of appellant in the instant criminal case cannot be ruled out. Further submission is that the facts witnesses have already been examined, hence, there is no chance of tempering with the witnesses. The appellant being lady is entitled to the benefit of the provisions contained in proviso to Section 437 Cr.P.C. Appellant is languishing in jail since 11.01.2024 alongwith her baby girl aged about 4 years. Appellant is having no criminal antecedents. Further submission is that the impugned order rejecting the bail application of the appellant suffers from infirmity and illegality warranting interference by this Court.

5. On the other hand, learned A.G.A. as well as learned counsel for the informant have vehemently opposed the the prayer for bail of the appellant and have submitted that the appellant committed the present offence having knowledge that the deceased belonged to S.C./S.T. Community. There is no infirmity or illegality in the impugned order.

6. 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.

7. 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 and the appeal is liable to be allowed.

8. Accordingly, the appeal is **allowed** and the impugned order rejecting the bail application of the appellant is hereby set-aside.

9. Let the appellant-**Smt Minakshi**, involved in aforesaid case crime number be **released on bail** on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

(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 she is accused, or suspected, of the commission of which she is 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 him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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

March 25, 2026

Ajeet

(Shekhar Kumar Yadav,J.)