



2026:AHC:125336

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 8588 of 2024

Manveer

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	: Alok Kumar, Atul Tej Kulshrestha, Ayush Mishra, Prabha Shanker Mishra, Shachi Singh, Vinay Singh
Counsel for Respondent(s)	: G.A., Hemant Kumar

Court No. - 1

HON'BLE MADAN PAL SINGH, J.

1. Heard Sri Amit Daga, learned Senior Advocate, assisted by Sri Mahipal Singh, learned counsel for appellant, Sri Hemant Kumar, learned counsel for the informant and learned AGA for the State.

2. This criminal appeal under Section 14-A(2) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been preferred by the appellant - Monu @ Mohan Giri with the prayer to allow the appeal, set aside the bail rejection order dated 09.08.2024 passed by Special Judge (SC/ST Act)/ Additional Sessions Judge, Meerut and to release the appellant on bail in Case Crime No. 364 of 2024, under Sections 364, 302, 201, 120-B, 34 IPC & Sections 3(2)(5) of SC /ST Act, Police Station - Kankarkheda, District- Meerut.

3. Learned counsel for the appellant submitted that the informant lodged a First Information Report on 08.06.2024 alleging that her son had been abducted by the accused persons. She named eight accused persons and expressed suspicion that they had abducted and subsequently murdered her son. Learned counsel for the appellant further submitted that the appellant was not named in the First Information Report. The statement of the informant was recorded under Section 161 Cr.P.C., and her supplementary statement under Section 161 Cr.P.C. was also recorded. However, in both statements, she did not make any allegation against the appellant. It was contended that the appellant's name surfaced during the course of investigation on the basis of information received from a secret informer (Mukhbir Khas), and thereafter, his involvement was alleged on the basis of

the confessional statement of co-accused Vineet Malik. There is no concrete or cogent evidence against the appellant to establish his involvement in the alleged offence.

4. It was further submitted that the appellant is innocent and has been falsely implicated in the present case. He has not committed the alleged offence, and the offences alleged are not attracted against him. Learned counsel further submitted that a similarly situated co-accused, namely Monu @ Mohan Giri, has already been enlarged on bail by a Coordinate Bench of this Court vide order dated 18.12.2025 passed in Criminal Appeal No. 4375 of 2025. A copy of the aforesaid bail order has been brought on record. He further submitted that since the similarly placed co-accused has already been granted bail, the appellant is also entitled to be released on bail on the ground of parity. Lastly, it was submitted that the appellant has been languishing in jail since 29.06.2024.

4. Learned A.G.A. and learned counsel for the informant vehemently opposed the prayer for bail and, relying upon the case diary and the material collected by the Investigating Officer during the course of investigation, submitted that the location of the appellant was found at or near the place of occurrence on 05.06.2024 at about 21:53 hours. However, they fairly conceded that no mobile phone was recovered from the possession of the appellant..

6. Having considered the submissions advanced by learned counsel for the parties, that the appellant is not named in the FIR, no specific allegation has been made against him in the statements under Section 161 Cr.P.C., and his implication is based mainly on the confessional statement of co-accused, which are weak pieces of evidence and similarly placed co-accused has already been granted bail, the appellant has made out a case for bail on the ground of parity. Without expressing any opinion on the merits of the case, the appellant is entitled to be enlarged on bail during the pendency of the trial.

7. Let the appellant- **Manveer** be released on bail in the aforesaid case crime number on furnishing a personal bond of Rs. 1,00,000/- 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 09.08.2024 passed by Special Judge (SC/ST) Act, Meerut is hereby set aside.

June 4, 2026
Akbar

(Madan Pal Singh,J.)