



2025:AHC:175066

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 7732 of 2025

Naved

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	: Ambreen Masroor, Sadrul Islam Jafri, Sr. Advocate
Counsel for Respondent(s)	: G.A., Sanjay Singh

Court No. - 83

HON'BLE SHEKHAR KUMAR YADAV, J.

Ref: Criminal Misc. Bail Application No.01 of 2025

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 16.06.2025 passed by learned Additional Session Judge/Special Judge SC/ST (Prevention of Atrocities) Act, Rampur in Bail Application No.86 of 2025 in Special Case No.27 of 2025 arising out of Case Crime No.56 of 2025, under Sections 333, 70(1), 351(3), 3(5) BNS and Section 3 (2) V SC/ST (Prevention of Atrocities) Act, Police Station Civil Lines, District Rampur.
2. Heard Mr. N.I. Jafri, learned Senior Counsel assisted by Mr. Sadrul Islam Jafri, learned counsel for the appellant, the learned AGA for the State-respondent no.1, Mr. Sanjay Singh, learned counsel for the informant and perused the entire record.
3. In short, the prosecution story is that the impugned FIR has been lodged by the informant with the allegation that co-accused Yusuf and appellant Naved entered into the house of the victim and while abusing caste related words, co-accused Yusuf has committed rape upon her. It is further alleged that accused persons have also made obscene video of the said incident and also threatened to kill her.
4. Submission of learned counsel for the appellant is that the appellant is innocent and has been falsely implicated in this case due to enmity. The appellant has not committed any offence as alleged in the impugned FIR.

Further submission is that the prosecution story is totally false and fabricated. Further submission is that real fact is that prior to this incident, there was an incident which took place on 08.07.2023 in which two persons, who are uncles of the appellant and co-accused person, had died and in the same case, the person who were made an accused, among them one accused was sent to jail and turned out to be the uncle of the victim and because of that case, the impugned FIR has been lodged just to make pressure on the appellant's family to not to do pairvi. Further submission is that according to the allegation, co-accused Yusuf has committed rape upon her but as per medical report, no internal or external injury seen all over the body of the victim and the victim is found about 19 years. Further submission is that the victim in her statement under Section 183 BNSS has specifically stated that co-accused Yusuf has committed rape upon her whereas the appellant has made obscene video but when victim was questioned twice in regard to the incident, she stated that she did not screamed due to threat. Further submission is that neither the FIR nor the charge sheet has been filed under the Information Technology Act. Further submission is that essential ingredients to constitute the offence under the SC/ST Act are also lacking in the matter. Trial has not been started as yet and there is no possibility of early conclusion of trial, hence, the appellant may be enlarged on bail. Appellant is languishing in jail since 03.02.2025 having no previous criminal history. 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 vehemently opposed the the prayer for bail of the appellant and have submitted that the appellant committed the present offence having knowledge that the victim 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-**Naved**, 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 he is accused, or suspected, of the commission of which he 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 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.

September 26, 2025

Ajeet

(Shekhar Kumar Yadav,J.)