



2025:AHC:174961

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 7709 of 2025

Dhirendra Singh Alias Dhiresh

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Ravindra Singh
Counsel for Respondent(s)	:	G.A.

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 07.04.2025 passed by Special Judge SC/ST (P.A.) Ac, Moradabad in Criminal Misc. Bail Application No.1097 of 2025 arising out of S.T. No.101 of 2017 in Case Crime No.691 of 2016, under Sections 452, 376, 506 IPC and 3(1)(xii) of SC/ ST Act, Police Station Mundapandey, District Moradabad.

2. Heard learned counsel for the appellant, the learned AGA for the State-respondent no.1 and perused the entire record. Despite service of notice, none has appeared on behalf of respondent no.2.

3. Learned counsel for the appellant submits that earlier the applicant was granted bail by a coordinate Bench of this Court vide order dated 07.04.2017 passed in Criminal Misc. Bail Application No.11556 of 2017. He further submits that appellant is doing labour and after getting bail, the appellant went to Punjab for his livelihood and in the meantime, court has issued warrant against the appellant but the appellant was not aware of the proceeding of the court below. He further submits that for the first time when the appellant came to his house, then the matter came into his knowledge about the warrant issued against him. He further submits that the default was not deliberate, hence, in case the appellant is being released on bail, appellant assured that he will not misuse the liberty of bail. The

applicant is in jail since 24.02.2025

4. On the other hand, learned A.G.A. vehemently opposed the the prayer for bail of the appellant.

5. 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.

6. 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.

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

8. Let the appellant-**Dhirendra Singh Alias Dhiresh**, 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 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.

(ii) The appellant shall remain present before the Trial Court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A IPC.

(iii) In case, the appellant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C., may be issued and if applicant 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

174-A IPC.

(iv) 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 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant 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.

(v) The Trial Court may make all possible efforts/endeavour and **try to conclude the trial on day to day basis within a period of one year** after the release of the appellant.

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

(Shekhar Kumar Yadav,J.)

September 26, 2025
Ajeet