



2025:AHC:175103

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL DEFECTIVE No. - 1130 of 2025

Aman Tiwari

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Bhawana Pandey, Jitendra Prasad Mishra
Counsel for Respondent(s)	:	Brajesh, G.A., Mohd Achhay

Court No. - 83

HON'BLE SHEKHAR KUMAR YADAV, J.

1. Heard learned counsel for the appellant, learned counsel for the informant and learned AGA as well as perused the entire record.
2. The present criminal appeal under Section 14-A(2) Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act has been filed by the appellant- **Aman Tiwari** to set aside the impugned bail rejection order dated 18.08.2025 passed by Additional Session Judge, Court no.14, Prayagraj arising out of Case Crime No. 287 of 2025, under Section 69 and 878.N.S. and 3(2)(V) S.C.S.T. Act, Police Station- Mauinama, District- Prayagraj with a further prayer to release the appellant on bail during the pendency of the trial before court below.
3. As per prosecution story, the informant lodged the impugned F.I.R on 18.7.2025 alleging therein that his daughter aged about 18 years left the house to buy some goods. It is further alleged that when she did not come back to home then first informant and family members searched the victim. It is further alleged that on 21.07.2025 a mobile no. 9580624176 came to know which was of Nikhil kumar and he was used to talk with his daughter and he enticed away his daughter.
4. Learned counsel for the appellant submits 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. The appellant is not named in the impugned FIR. The impugned FIR is delayed about 4 days and there is no explanation for the said delay. The appellant and the victim are major. As

per statement of the victim recorded under Section 183 BNSS, the victim love to the appellant and she has solemnized with the appellant in a temple and has established physical relation as husband and wife. Medical has been denied by the victim herself. There are major contradictions in the statement of the victim recorded under Section 180 & 183 B.N.S.S.. As per statement of the victim, victim is a consenting party, therefore, no offence is made out against the appellant. Further, learned counsel for the appellant assured the Court that after release from jail, the appellant and the victim shall get their marriage registered and will get marriage certificate from the Marriage Registrar. Learned counsel for the appellant further submits that the impugned order rejecting the bail application of the appellant suffers from infirmity and illegality warranting interference by this Court. Appellant is languishing in jail since 1.8.2025 having no criminal history.

5. On the other hand, learned counsel for the informant as well as learned A.G.A. have opposed the prayer for bail.

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 as well as victim is a consenting party, 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- **Aman Tiwari**, 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.

(Shekhar Kumar Yadav,J.)

September 26, 2025
Krishna*