



2025:0004-1 K03:2977H

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 3683 of 2025

Guddu Rajput

.....Appellant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt. Of
Home Lko. And 2 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Shashank Tilhari, Anurudh Kumar Singh, Shubham Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 28

HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

Heard learned counsel for the appellant as well as learned counsel for the opposite party No.2 and learned AGA for the State as well as perused the record.

Learned counsel for the opposite party No.2 has filed short counter affidavit today in court. The same is taken on record.

As per the office report dated 03.12.2025 notice has already been served upon the opposite party No. 3 but till date neither any counsel has appeared on behalf of opposite party No. 3 nor counter affidavit has been filed on his behalf, it appears that he is not interested to file any counter affidavit.

In the above circumstances, as the matter pertains to bail this Court has no option but to proceed for final arguments to decide the present appeal.

The present criminal appeal under Section 14-A (2) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been preferred against the impugned order dated 06.10.2025 passed by the court of Special Judge (SC/ST Act), Lucknow in Bail Application No. 7587/2025, arising out of Case Crime No. 283/2025, under Sections 109 BNS and Section 3(2) (v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Police Station Kakori, District Lucknow, whereby the bail application of the appellant has been rejected.

Learned counsel for the appellant submits that the appellant has falsely

been implicated in the present case. There is no eye-witness of the alleged incident. He has next submits that no specific role of the appellant-accused is mentioned in the F.I.R. No recovery of any weapon has been made with the possession of the appellant-accused.

Learned counsel for the appellant submits that as per the statement of the witnesses recorded by the Investigating Officer, fire was not triggered by the accused-appellant and alleged weapon was also not belong to the accused-appellant. He also submits that Sachin Rajput gave a statement to the Investigating Officer stating that he went to his house and brought the licensed 0.12 bore gun belonging to his father, and that he asked Babu Lal and Anil @ Golu to stop there; however, Babu Lal tried to snatch the gun, as a result of which the fire was triggered. Thus, no act of instigation is attributed to the appellant-accused, nor is any common intention made out. He next submits that the appellant is languishing in jail since 11.08.2025 and the criminal history of the appellant has been explained in the affidavit filed in support of the bail application/memo of appeal. He added that in case the appellant is enlarged on bail, he shall not misuse the liberty of bail and he shall fully cooperate with the trial. He has further submitted that there is no possibility of the appellant to intimidate or pressurize the witnesses or any other persons acquainted with the facts of the present case.

For the aforesaid reasons, learned counsel for the appellant submits that the instant criminal appeal deserves to be allowed and the impugned order may be set aside and consequently, the appellant deserve to be enlarged on bail.

Per contra, learned AGA as well as learned counsel for the opposite party No.2 have opposed the prayer by submitting that there is active participation of accused/appellant in the crime. They next submit that three injuries were found on the body of the deceased: one firearm injury and two abrasions. It is further submitted that the appellant and the other co-accused committed the offence in furtherance of a common intention; therefore, the appellant is liable for the acts of the co-accused. Therefore, the accused/ appellant is not entitled to be enlarged on bail and the instant criminal appeal deserves to be dismissed. However, he has been unable to dispute the other factual submissions advanced by the learned counsel for

the accused/appellant.

Considering the submissions of learned counsel for the parties and after perusal of material available on record, including the allegations made in the FIR, it transpires that there is no eye-witness of the alleged incident; no specific role of the appellant-accused is mentioned in the F.I.R.; no recovery of any weapon has been made with the possession of the appellant-accused; the appellant is languishing in jail since 11.08.2025 and he has undertaken that in case he is enlarged on bail, he shall not misuse the liberty of bail and will cooperate with the trial. Without expressing any opinion on merit, this Court is of the view that the learned court below has failed to appreciate the material available on record, thus, the order passed by the court below is liable to be set aside.

Accordingly, the appeal is **allowed**. Consequently, the impugned order dated 06.10.2025 passed by the court of Special Judge (SC/ST Act), Lucknow in Bail Application No. 7587/2025, arising out of Case Crime No. 283/2025, under Sections 109 BNS and Section 3(2) (v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Police Station Kakori, District Lucknow, is hereby set aside.

Let the **appellant-Guddu Rajput** be released on bail in the aforesaid case crime number on furnishing a personal bond and two sureties each of the like amount to the satisfaction of the court concerned subject to following additional conditions-

- (1) The appellant shall cooperate with the prosecution during trial.
- (ii) The appellant shall not tamper with the evidence during trial
- (iii) The appellant shall not pressurize/intimidate the prosecution witness(s).
- (iv) The appellant shall not commit an offence.
- (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 them from disclosing such facts to the court or to any police officer or tamper with the evidence.
- (vi) The appellant shall remain present before the trial court on each date fixed, either personally or through counsel.

(vii) The appellant shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court.

(viii) The appellant shall remain present, in person, before the trial court on the dates fixed for recording of statement under Section 313 Cr.PC.

In case of default of above conditions, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law

(Pramod Kumar Srivastava,J.)

December 16, 2025

Arvind