



2026:AHC:211156

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 8900 of 2026

Pappu Yadav

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s) : Mohd. Wasiq, Rishi Shanker Dwivedi,
Sarfraj Ahmad

Counsel for Respondent(s) : G.A., Ranu, Shashi Shekhar Maurya

Court No. - 74

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Kartikey Tripathi, Advocate holding brief of Sri Sarfraj Ahmad, learned counsel for the appellant, Sri Ranu, learned counsel for the opposite party no.2/first informant and Sri Bade Lal Bind, learned counsel for the State and perused the record.

3. Learned counsel for the State submits that his correct file is available for which he prayed for time on 30.09.2026.

4. This criminal appeal under Section 14A(2) of SC/ST (Prevention of Atrocities) Act, 1989 has been filed by the appellant Pappu Yadav with the prayer to set-aside the judgment and order dated 21.07.2026 passed by Special Judge (SC/ST) Act, Varanasi of Case Crime No. 0148 of 2026, under Sections 64(2)(M) BNS and Section 3(2)(V) of SC/ST Act, Police Station Jaitpura, District Varanasi and with a further prayer to release the appellant on bail in the aforesaid case.

5. The FIR of the matter was lodged on 26.06.2026 by the victim/opposite party no.2 against the appellant alleging therein that she is aged about 32 years and is working as a waiter. Her friend Anjali who is also working with her whose brother-in-law Pappu Yadav was a previously known person to her. On 25.06.2026 her friend Sonam who is a resident of her village accompanied her for roaming at Namoghat, Varanasi where they spent time and then due to night they asked Pappu Yadav for a place to stay who stated that there is a house which is being constructed in which he is doing work of tiles and they may stay there and she then along with her friend went there at about 09:00 pm and she after having dinner slept on takhat and Pappu Yadav was also sleeping on the sofa. Pappu Yadav was in an intoxicated condition who then in the night caught hold of her and took her on the roof and committed rape upon her twice.

6. Learned counsel for the appellant submitted that the appellant has been falsely implicated in the present case. It is submitted that the medical examination of the victim and also the supplementary report does not corroborate the version of rape on the victim. It is submitted that the victim is a major woman aged about 32 years and went in the night to live with the appellant. It is submitted that after investigation a final report dated 04.08.2026 was submitted in favour of the appellant but the court concerned took cognizance upon the same and since the appellant is in jail warrants under Section 309 Cr.P.C. was ordered vide order dated 14.08.2026. It is further submitted that the victim in her statement under Section 183 BNSS has stated that she went to the room of Pappu Yadav with her friend where they consumed liquor and then in an intoxicated condition they established physical relationship. She further stated that there was no force on her. The relationship was established with her consent. Pappu did not force her for anything. She gave the statement to the police under fear. No act was done with her against her wishes. It is submitted that thus the prosecution story is totally inconsistent and has variation. The appellant has no criminal history as stated in para 26 of the bail application in appeal and is in jail since 28.06.2026.

7. Per contra, learned counsel for the opposite party no.2 and State opposed the appeal and prayer for bail.

8. After having heard learned counsels for the parties and perusing the records, it is evident that the victim/first informant is a major woman aged about 32 years. After investigation a final report was submitted in favour of the appellant but the appellant since was in jail on the same the court concerned took cognizance. The investigation thus in the matter has concluded and there are no chances of the appellant tampering with evidence. The medical reports do not corroborate the version of rape on the victim. The statement of the victim under Section 183 BNSS is totally contrary to the prosecution version and she disowns the prosecution version.

9. Looking to the facts and circumstances of this case, the nature of evidence and also the absence of any convincing material to indicate the possibility of tampering with the evidence, this Court is of the view that the appellant may be enlarged on bail.

10. Let the appellant **Pappu Yadav** be released on bail in the aforesaid case crime number on furnishing a personal bond 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.

11. 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.

12. Accordingly, the appeal succeeds and the same stands **allowed**.

13. The judgment and order dated 21.07.2026 passed by Special Judge (SC/ST) Act, Varanasi is hereby set aside.

14. Pending application(s), if any, stand disposed of.

(Samit Gopal,J.)

October 8, 2026
M. ARIF