2026:AHC:227652

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 3331 of 2026

Abhay Pratap Sharma

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Amit Gupta, Rajesh Kumar Tripathi, Sati Shanker Tripathi, Shalvin
Counsel for Respondent(s)	:	G.A., Virendra Singh Parmar

Court No. - 74

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri A.K. Mishra, Advocate, holding brief of Sri Sati Shanker Tripathi, learned counsel for the appellant, Sri Virendra Singh Parmar, learned counsel for the opposite party no.2/first informant and Sri Shashi Kant Pandey, learned A.G.A. appearing for the State and perused the record.

3. This criminal appeal under Section 14A(2) of SC/ST (Prevention of Atrocities) Act, 1989 has been filed by the appellant **Abhay Pratap Sharma,** with the prayer to set-aside the impugned order dated 23.02.2026 passed by learned Additional Sessions Judge/Special Judge (SC/ST) Act, Hamirpur in Bail Application No. 181 of 2026, (Abhay Pratap Sharma Vs. State of U.P.) arising out of Case Crime No. 5 of 2026, under Sections 64(2) (M), 308(2), 123, 352, 351(2) BNS and 67A of IT Act & Section 3(1) (Da)/(Dha), 3(2) V of SC/ST Act, Police Station Lalpura, District Hamirpur with a further prayer to release the appellant on bail in the aforesaid case.

4. The FIR of the matter was lodged on 08.01.2026 by the victim/ opposite party no. 2 alleging therein that in the month of February, 2024, a camp of Ayurveda treatment was installed in her village, where she went for treatment and took the medicines and even got her mobile number registered there. The appellant used to tell her about the medicines. Afterward, in the month of October , 2024, she called the

appellant for medicines, on which, he called her to his village. She went to the village of appellant where, he gave a dose of medicine. After consuming the medicine, she became unconscious and after regaining her conscious, she found her clothes disturbed. On being asked about it, he stated that the medicine has acted on her and she went sleep. Then she went back to her house. After 10 days, she received video from the appellant in which she and appellant were seen in a compromising position. The appellant, then, called on phone and demanded money and threatened her to make viral the obscene photos. From that time, the appellant took money to the tune of Rs. 93,700/- from her and has forcefully raped her for many times. When her marriage was fixed, he showed the video to them and got the marriage proposal broken. The appellant was threatening the victim, hence, report be lodged and action be taken against him.

5. Learned counsel for the appellant submitted that the appellant has been falsely implicated in the present case. It is submitted that the victim is aged about 24 years. It is submitted that the trial has been started in which, the victim has been examined as P.W.-1 and thus, there is no chance of tampering with the evidence. It is submitted that the appellant and victim were in live-in-relationship since 16.11.2024. It is submitted that the incident of rape has been committed, for the first time, in November, 2024 but the FIR was lodged on 08.01.2026 with delay of one year and three months without any plausible explanation. It is submitted that appellant is involved in two other criminal cases which have been disclosed and explained in second supplementary affidavit dated 04.10.2026 in paragraph no. 6 and is in jail since 14.01.2026.

6. Per contra, learned counsel for the opposite party no.2 and State opposed the appeal and prayer for bail and submitted that the appellant is named in the FIR and also in the statement of the victim before trial court. It is submitted that thus, the prayer for bail be refused.

7. After having heard learned counsels for the parties and perusing the records, it is evident that the victim is a major woman. The FIR is belated by one year and three months. The trial of the case has been started in which the victim has been examined as P.W.-1, as such there is no chance

of tampering the evidence.

8. 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.

9. Let the appellant-**Abhay Pratap Sharma**, 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.

10. 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.

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

12. The impugned order dated 23.02.2026 passed by learned Additional Sessions Judge/Special Judge (SC/ST) Act, Hamirpur, is hereby set aside.

(Samit Gopal,J.)

November 2, 2026
Gss

Digitally signed by :-
GIRAJA SHANKER SHARMA
High Court of Judicature at Allahabad