2026:AHC:207721

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 4603 of 2025

Jai Singh

.....Appellant(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Abhinav Tripathi, Pavan Kishore
Counsel for Respondent(s)	:	Devashish Mitra, G.A.

Court No. - 74

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Sri Ashish Dwivedi, Advocate holding brief of Sri Abhinav Tripathi, learned counsel for the appellant, Sri Devashish Mitra, learned counsel for the opposite party no.2 and 3 and Sri Ajay Singh, learned AGA-I for the State/O.P. No.1 and perused the record.

3. Sri Pavan Kishore, learned counsel for the appellant is also present who submits that he has no instructions in respect of the engagement of Sri Abhinav Tripathi. The records show that an affidavit dated 14.05.2026 along with vakalatnama of the appellant has been filed in the present matter on 14.05.2026 which is on record.

4. This criminal appeal under Section 14A(2) of SC/ST (Prevention of Atrocities) Act, 1989 has been filed by the appellant **Jai Singh** with the prayer to set aside the impugned order dated 30.04.2024 passed by Special Judge (SC/ST) Act, Bareilly in Bail Application No. 1697 of 2024 (Gaurav Arora and another Vs. State of U.P.), arising out of Case Crime No. 748 of 2023, under Sections 147, 323, 504, 506, 342, 384 IPC and Section 3(2)(va), 3(1)(r), 3(1)(s) of SC/ST Act, Police Station Bhojipura, District Bareilly and cancell the bail granted to the opposite party no.2 and 3 during the pendency of trial.

5. On 16.04.2026 the following order was passed:

"1. List revised.

2. Sri Pavan Kishore, learned counsel for the appellant and Sri Birendra Pratap Singh, learned counsel for the State are present.

3. This is an appeal seeking cancellation of bail granted to opposite party no.2- Gaurav Arora and opposite party no.3- Ali Hasan vide order dated 30.04.2024 passed by the Special Judge, SC/ST Act, Bareilly in Bail Application No. 1697 / 2024 (Gaurav Arora Vs. State of U.P.), Case Crime No. 748 of

2023, under Sections 147, 323, 504, 506, 342, 384 I.P.C. & 3(1) (r), 3(1) (s) & 3(2) va SC/ST Act, Police Station Bhojipura, District Bareilly.

4. Vide order dated 19.12.2025 notice was issued to the opposite party nos. 2 & 3. As per the office report dated 18.02.2026 notice has been served personally on them. Perused the report dated 17.01.2026 of the In-charge Chief Judicial Magistrate, Bareilly to the said effect. Despite service of notice, no one appears on behalf of the opposite party nos.2 & 3.

5. Learned counsel for the State has served a copy of counter affidavit to learned counsel for the appellant today in Court. He is permitted to file the same in the office within a week.

6. Learned counsel for the appellant prays for and is granted two weeks time to file rejoinder affidavit to the same.

7. Since there is no representation on behalf of the opposite party nos.2 & 3, issue bailable warrants of Rs. 20,000/- against the opposite party nos.2 & 3- Gaurav Arora and Ali Hasan through concerned Magistrate.

8. In case, the opposite party nos.2 & 3- Gaurav Arora and Ali Hasan appear/surrender before the court concerned, they shall be released on furnishing personal bond of the said amount with undertaking that they shall appear in the Court on the next date fixed.

9. Let compliance report be called from the C.J.M. concerned within three weeks.

10. Let the matter be listed on 15.05.2026."

6. The office through its report dated 14.05.2026 has placed on record a report regarding execution of bailable warrants against the opposite party no.2 and 3 which is flagged as Flag 'A'. This Court has perused the said report which is dated 05.05.2026 of the CJM, Bareilly regarding execution of the bailable warrants against the opposite party no.2 and 3.

7. Sri Ashish Dwivedi, Advocate holding brief of Sri Abhinav Tripathi, learned counsel for the appellant submits that the trial in the present matter is at an advanced stage in which only one statement of prosecution witness is to be recorded and thus the present appeal U/s 14A(2) of SC/ST (Prevention of Atrocities) Act be dismissed as not pressed.

8. Prayer is allowed.

9. The appeal is dismissed as not pressed.

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

(Samit Gopal,J.)

October 5, 2026
M. ARIF

Digitally signed by :-
MOHAMMAD ARIF
High Court of Judicature at Allahabad