2026:AHC:210162

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 8093 of 2026

Umesh Kumar

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Chitrakul Vipinam Vasudev, Sachidanand Singh
Counsel for Respondent(s)	:	G.A., Gore Lal, Virendra Kumar

Court No. - 74

HON'BLE SAMIT GOPAL, J.

1. List revised. This matter is listed at Item No. 231 of Daily Cause List and has been taken up on a mention made by learned counsel for the appellant that the same is with prayer for anticipatory bail and thus the matter be taken up.

2. Heard Sri Anant Krishna Singh, Advocate, holding brief of Sri Sachidanand Singh, learned counsel for the appellant, Sri Virendra Kumar, learned counsel for the opposite party no.2/first informant and Sri Ajay Singh, learned A.G.A.-I 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- Umesh Kumar with the following prayers:-

"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to set aside the impugned order dated 30.04.2026 passed by Special Judge (SC/ST Act) Kaushambi, in Special Case No. 889 of 2025 (State Vs. Umesh Kumar) arising out FIR dated 30.7.2024 Case Crime No. 180/2024 under section 376, 419, 420, 504, 506, 328 IPC, section 3(2)(V) & 3(1)(Dha) SC/ST Act, P.S. Karari, District Kaushambi and granting the anticipatory bail to the appellant during the pendency of the aforesaid Special Case, to the ends of justice."

4. Submission of learned counsel for the appellant is that the appellant has been falsely implicated in the present case. It is submitted that the first

informant/victim is aged about 46 years and thus she is a major woman. It is submitted that the F.I.R. is highly belated which has been lodged on the basis of an application moved under Section 156(3) Cr.P.C. It is submitted that during pendency of the investigation the appellant had preferred a Criminal Misc.Writ Petition No.23401 of 2024, Umesh Kumar vs. State of U.P. and 3 others, in which a Division Bench of this Court vide order dated 19.12.2024 had stayed the arrest of the petitioner, copy of the said order has been placed before the Court which is annexure no. 3 to the affidavit in support of this anticipatory bail application in this appeal. The said order reads as under:-

"1. Sri Ramesh Chandra Yadav, Advocate has filed his vakalatnama on behalf of the petitioner and Sri Manish Kumar Dwivedi, Advocate has filed his vakalatnama on behalf of the informant. They may be kept on record.

2. This writ petition has been filed for quashing of the First Information Report dated 30.7.2024 giving rise to Case Crime No.180 of 2024 under sections 376, 419, 420, 504, 506, 328 of Indian Penal Code and sections 3(2)(v) and 3(1)(Dha) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Police Station Karari, District Kaushambi. The petitioner has also prayed that he be not arrested in pursuance of the impugned FIR.

3. Contention of learned counsel for the petitioner is that the allegations made in the FIR are not believable. The first informant is of 46 years of age and that she had reported the offence under section 376 IPC which according to her had taken place on 12.4.2023 while the FIR was lodged on a very belated date and also, learned counsel for the petitioner states, that the informant had not got herself medically examined at the appropriate point of time.

4. Learned AGA has handed over the instructions and in it the physical disability report is silent about any injury which could indicate that any offence under section 376 IPC was committed.

5. Learned counsel for the petitioner further states that the story about administering of poison also seems to be unbelievable as there is no corroborating evidence with regard to that. Learned counsel for the petitioner states that the other offences are all such offences which are punishable with punishments which are less than 7 years.

6. Matter requires consideration.

7. Learned AGA appears for respondent nos.1, 2 and 3. Issue notice to respondent no.4 by registered post. Steps may be taken within ten days.

8. Respondents may file their counter affidavits within a period of three weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

9. List this petition on the date fixed in the notice.

10. Till the next date of listing or till the submission of the police report, the petitioner shall not be

arrested. Further, it is made clear that the petitioner shall co-operate in the investigation.

11. When the petition is listed next, the name of Sri Ramesh Chandra Yadav shall be shown as counsel for the petitioner and the name of Sri Manish Kumar Dwivedi shall also be shown as counsel for the respondents."

5. Subsequently charge sheet dated 23.12.2024 was filed against the appellant on which the court of Additional Sessions Judge/Special Judge (S.C./S.T. Act), Kaushambi has taken cognizance and summoned the appellant. It is submitted that the victim/first informant did not get herself medically examined. It is submitted that there is nothing reported that during pendency of investigation the appellant either avoided investigation or tried to temper with the evidence. It is submitted the appellant has criminal history of one other case which has been disclosed and explained in para-15 of the affidavit. It is submitted that the appeal be allowed and the appellant be released on anticipatory bail.

6. Per contra, learned counsels for the opposite party no. 2 and the State opposed the appeal and the prayer for anticipatory bail and submitted that although the incident in the present matter is of 12.04.2023 but since the F.I.R. of the victim was not registered she moved an application under Section 156(3) Cr.P.C. before the court concerned on the basis of which the F.I.R. was lodged on 30.7.2024 and thus period of 01 year and 4 months in lodging of the F.I.R. is duly explained. It is submitted that the allegations are serious in nature. Learned counsel for the first informant has further submitted that the appellant had challenged the charge sheet, summoning order dated 16.07.2025 and the entire proceedings of the case pending before this Court in Application U/S 528 BNSS No. 31931 of 2025, Umesh Kumar vs. State of U.P. and another, which was dismissed vide order dated 01.4.2026 passed by a co-ordinate Bench of this Court, copy of the said order has been produced before the Court which is taken on record. It is submitted that thus no case for interference is made out.

7. After having heard learned counsels for the parties and perusing the records, it is evident that investigation in the matter has concluded and charge sheet has been submitted on which the court concerned has taken cognizance and summoned the appellant. During investigation arrest of the appellant was stayed by an order dated 19.12.2024 passed by a

Division Bench of this Court. There is nothing reported that the appellant tried to avoid investigation or temper with the evidence.

8. Without expressing any opinion on the merits of the case, considering the nature of accusation and the facts of the case, the appellant is entitled to be released on anticipatory bail.

9. In the event of arrest of the appellant Umesh Kumar, involved in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) the appellant shall appear before the court concerned within a period of two weeks from today and file certified copy of this order for its compliance.

(ii) the appellant shall make himself available on each and every date fixed in the matter by the court concerned.

(iii) 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.

(iv) the appellant shall not leave India without the previous permission of the Court and if he has passport the same shall be deposited by him before the concerned court.

10. In case, the appellant does not co-operate in the proceedings of the trial, this order shall stand automatically recalled/vacated and the appellant shall be taken into custody, forthwith.

11. Further, in default of any of the conditions, the court concerned is at liberty to pass appropriate orders for enforcing and compelling the same.

12. The court concerned shall not be prejudiced by any observation made by this Court while considering and deciding the present anticipatory bail application of the appellant.

13. The present appeal stands allowed.

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

(Samit Gopal,J.)

October 7, 2026
Naresh

Digitally signed by :-
NARESH KUMAR
High Court of Judicature at Allahabad