



2025:AHC-LKO:67462

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 2910 of 2025

Satish Kumar Yadav @ Prabhas Yadav

.....Appellant(s)

Versus

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

.....Respondent(s)

Counsel for Appellant(s)	: Praveen Kumar Yadav, Atul Krishna, Saquib Zia Khan, Satyendra Kumar
Counsel for Respondent(s)	: G.A.

Court No. - 28

HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

1. Heard learned counsel for the appellant and the learned A.G.A. for the State-opposite party No. 1 and perused the entire record.
2. Learned A.G.A. has filed counter affidavit today in Court. The same is taken on record.
3. As per the report of the C.J.M. Lucknow dated 30.09.2025 notice has been served upon the opposite party No. 2, but till date neither any counsel has appeared on her behalf nor counter affidavit has been filed, it appears that she is not interested to file any counter affidavit.
4. 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.
5. 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 05.07.2025 passed by learned Special Judge (SC/ST Act), Lucknow in Bail Application No. 4916/2025, arising out of Case Crime No. 213/2025, under Sections 69, 123, 74, 115(2), 351(2), 352 BNS and Section 3(2) 5, 3(2) 5A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 34 Dowry Prohibition Act, Police Station Gudamba, District Lucknow, whereby the bail application of the appellant has been rejected.
6. Learned counsel for the appellant submits that the appellant has falsely

been implicated in the present case. There is no eye-witness account mentioned in the F.I.R. He further submits that in F.I.R. eight accused persons were implicated and during the course of investigation, names of seven accused persons were deleted and the charge-sheet has been filed only against the appellant.

7. Learned counsel for the appellant further submits that the prosecutrix in her statement has stated that she has made physical relationship voluntarily with the applicant, thus this was the consensual relationship and as per injury report there is no external or internal injury was found on the body of the prosecutrix.

8. Learned counsel for the appellant further submits that accused/appellant is languishing in jail since 16.06.2025, and two cases of criminal history came in his knowledge, and in case the appellant is enlarged on bail, he shall not misuse the liberty of bail and he shall also 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.

9. For the aforesaid reasons, learned counsel for the appellants submits that the instant criminal appeal deserves to be allowed and the order dated 05.07.2025 passed by learned Special Judge (SC/ST Act), Lucknow in Bail Application No. 4916/2025, arising out of Case Crime No. 213/2025, under Sections 69, 123, 74, 115(2), 351(2), 352 BNS and Section 3(2) 5, 3(2) 5A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 34 Dowry Prohibition Act, Police Station Gudamba, District Lucknow deserves to be set aside and consequently, the appellant deserves to be enlarged on bail during pendency of the trial.

10. Per contra, learned A.G.A. has vehemently opposed the prayer by submitting that the appellant is the main culprit and committed sexual assault on the pretext of false promise of marriage. He also submits that the appellant has criminal history of two cases. He further submits that there is active participation of accused/appellant in the crime. 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.

11. Upon consideration of the facts and circumstances of the case and material available on record, submissions of counsel for the appellant and learned A.G.A. and considering the facts and circumstance of the case and on the perusal of the material available on record, it transpires that it is a consensual relationship, no external or internal injury was found on the body of the prosecutrix and as per medical report, hymen was found torn and healed as well as the fact that the appellant is in jail since 16.06.2025 and chances of conviction of the appellant in the instant case, without expressing any opinion on merit, this Court of the view that the learned court below has failed to appreciate the material available on record. The order passed by the court below is liable to be set aside.

12. Accordingly, the appeal is **allowed**. Consequently, the impugned order dated 05.07.2025 passed by learned Special Judge (SC/ST Act), Lucknow in Bail Application No. 4916/2025, arising out of Case Crime No. 213/2025, under Sections 69, 123, 74, 115(2), 351(2), 352 BNS and Section 3(2) 5, 3(2) 5A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 34 Dowry Prohibition Act, Police Station Gudamba, District Lucknow is hereby **set aside**.

13. Let the **appellant-Satish Kumar Yadav @ Prabhas Yadav** 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.

14. 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

15. As this order relates to enlargement of the appellant on bail, it is clarified that observation(s) made in this order shall have no bearing on the merits of the case and the trial court shall not be influenced by any observation(s) made in this order.

(Pramod Kumar Srivastava,J.)

October 29, 2025

Arvind