2026:AHC:212320

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 10342 of 2026

Anil Yadav

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Prashant Yadav
Counsel for Respondent(s)	:	Dinesh Yadav, G.A., Rahul Kumar

Court No. - 74

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Prabhakar Awasthi, learned Senior Advocate assisted by Sri Prashant Yadav, learned counsel for the appellant, Sri Rahul Kumar, learned counsel for the opposite party no.2 and Sri Bade Lal Bind, learned counsel for the State and perused the record.

3. Learned counsel for the opposite party no.2 submits that he has filed his vakalatnama in the office on 08.10.2026. The same is not on record. Office is directed to trace out the same and place it on record and make a note in the order sheet about it.

4. This criminal appeal under Section 14A(2) of SC/ST (Prevention of Atrocities) Act, 1989 has been filed by the appellant Anil Yadav with the prayer to set-aside the order dated 13.08.2026 passed by Special Judge (SC/ST) Act, Azamgarh in Anticipatory Bail Application No. 3315 of 2026 (Anil Yadav Vs. State of U.P.) arising out of Case Crime No. 123 of 2025, under Sections 69, 351(2), 123 BNS and Section 3(1)(Da), 3(1)(Dha), 3(2)(5) of SC/ST Act, Police Station Pawai, District Azamgarh and with a further prayer to release the appellant on anticipatory bail in the aforesaid case, during the pendency of the present appeal.

5. At the very outset learned counsel for the appellant submits that although the prayer in this appeal for anticipatory bail is for grant of anticipatory bail during the pendency of trial but he confines his argument only till the pendency of investigation which is stated to pending as per paragraph No. 8 of the affidavit.

6. Before dilating the facts of the case, certain facts are relevant to be mentioned herein which are that after lodging of the FIR the petitioner challenged the same before this Court in writ petition being Criminal Misc. Writ Petition No. 9813 of 2025 (Anil Yadav Vs. State of U.P. and 2 others) in which vide order dated 21.05.2025 the matter was referred to

the Mediation Centre of this Court. Subsequently the said writ petition was got disposed of vide order dated 24.07.2026 by a Division Bench of this Court granting liberty to the petitioner therein to avail appropriate remedy available to him under law before the appropriate Court. It is informed that the mediation in the matter had failed. Subsequently the applicant preferred anticipatory bail being Criminal Misc. Anticipatory Bail Application U/s 482 BNSS No. 9113 of 2026 (Anil Yadav Vs. State of U.P. and another) before this Court which was dismissed as not pressed with liberty to file an appeal under the SC/ST Act, if advised so vide order dated 15.09.2026. This present appeal has thus been filed with the prayers as aforesaid.

7. The facts of the case are that a First Information Report was lodged on 16.04.2025 by the victim / opposite party no.2 against the appellant alleging therein that she used to go to coaching where Anil Yadav a resident of a neighbouring village met her and they developed friendship. Subsequently when she was going to the library she suddenly fell ill and then Anil Yadav on the pretext of getting her treated took her with him on 12.02.2025 at about 11:30 am but took her a lonely house where he gave her some intoxicating medicine and she became unconscious. He then in her unconscious state committed rape upon her and made a video of the same. When she regained consciousness she cried on which he stated that he would marry her and make her his wife. On the said false facts he committed rape on her many times. Subsequently on 20.02.2025 when she asked him to marry her he abused her and refused marriage and stated that he would send her video to various places. Report be lodged and action be taken.

8. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case. It is submitted that the victim is a major girl. It is submitted that her date of birth as per High School Certificate is 25.03.1999 and thus she was 24 years old at the time of incident. It is submitted that the victim during investigation in her statement under Section 180 BNSS also states of her age as 24 years and states of meeting the accused in the year 2020 and since then being in friendship with her. She reiterates the version given by her in the FIR. It is submitted that in the statement of the victim recorded under Section 183 BNSS she changes the version as given by her earlier and states that she was in love with the appellant since the year 2020 and they established physical relationship 3-4 times earlier. Subsequently she used to roam with him and one day she became ill and then states of the present incident as stated. It is submitted that the said version of the victim thus shows that she was a consenting party. It is submitted that the victim is a major girl and thus was aware of the relationship and the consequences of the act being done by her. It is submitted while placing para 8 of the affidavit in support of present appeal that the investigation in the matter is going on and no charge sheet has been submitted by the police. It is submitted that the appellant has no criminal history as stated in para 36 of

the anticipatory bail application in appeal.

9. Per contra, learned counsel for the opposite party no.2 and State opposed the prayer for anticipatory bail in appeal and submitted that the appellant is named in the FIR and there are allegations against him of committing rape upon the victim, however, further submission as advanced are not being disputed.

10. After having heard learned counsels for the parties and perusing the records, it is evident that the victim is a major girl aged about 24 years. She was in relationship with the appellant since the year 2020. There is some discussion of marriage between the appellant and the victim but the same could not materialize and the present FIR has been lodged.

11. Without expressing any opinion on the merits of the case, considering the nature of accusation, the appellant is entitled to be released on anticipatory bail in this case.

12. In the event of arrest of the appellant **Anil Yadav** involved in the aforesaid case, he shall be released on anticipatory bail till the submission of police report, if any, under section 193(3) BNSS / 173 (2) Cr.P.C. before the competent Court on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Station House Officer of the police station concerned with the following conditions:-

(i) the appellant shall appear before the Station House Officer of the police station 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 for interrogation by a police officer as and when required;

(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 or to any police officer;

(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 S.S.P./S.P. concerned.

13. In default of any of the conditions, the Investigating Officer is at liberty to file appropriate application for cancellation of anticipatory bail granted to the appellant.

14. The Investigating Officer is directed to conclude the investigation of the present case in accordance with law expeditiously preferably within a period of three months from the date of production of a copy of this order

independently without being prejudice by any observation made by this Court while considering and deciding the present anticipatory bail application of the appellant.

15. The appellant is directed to produce a copy of this order before the Commissioner of Police / S.S.P. /S.P. concerned within ten days from today, who shall ensure the compliance of present order.

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

17. The order dated 13.08.2026 passed by Special Judge (SC/ST) Act, Azamgarh is hereby set aside.

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

(Samit Gopal,J.)

October 9, 2026
M. ARIF

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