



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL CANCELLATION APPLICATION No. - 239 of 2026



.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Aman Ahsan, Shivam Yadav, Udai Bhatia
Counsel for Opposite Party(s)	:	Ajay Kumar Mishra, G.A.

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Aman Ahsan, Advocate assisted by Ms Vaishnavi Srivastava and Mohd. Areeb Masood, learned counsel for the applicant, Sri Ajay Kumar Mishra, learned counsel for opposite party no. 2, Sri D.P.S. Chauhan, learned A.G.A. for the State and perused the record.

2. The instant bail cancellation application has been filed with a prayer to cancel the bail order dated 18.3.2026 passed by this Court in Criminal Appeal No. 1839 of 2026, arising out of case crime no. 775 of 2025, under Sections 69 and 115(2) BNS and Section 3(2)(5) of the SC/ST Act, 1989, P.S. Sardhana, District Meerut.

3. On 6.8.2026, 11.9.2026, learned counsel for the applicant submitted that while obtaining the bail, the opposite party no. 2 had given undertaking before the coordinate Bench of this Court in Criminal Appeal No. 1839 of 2026, under Section 14A(2) of SC/ST Act, but after getting released on bail, opposite party no. 2 did not comply with the condition to marry with the applicant. Therefore, for the breach of condition, his bail application deserves to be cancelled.

4. Considering the above submission, this Court by order dated 14.9.2026 directed the opposite party no. 2 to obtain consent whether he is ready to marry the applicant in compliance of his undertaking giving before the bail Court. Further, when the opposite party no. 2 did not appear and his counsel also could not satisfy the Court for non appearance of opposite party no. 2, this Court by order dated 28.9.2026 issued non bailable warrant against the opposite party no. 2 for his appearance before this Court and the warrant was sent to SSP, Meerut for execution. When the matter was listed on 8.10.2026, on that date, learned AGA had informed that after arresting the opposite party no. 2, he was produced before CJM, Meerut, who had sent him to judicial custody, therefore, he could not be produced before this Court. The Court treated the same as non compliance of order dated 8.10.2026. As there was specific direction to SSP, Meerut for execution of non bailable warrant against the opposite party no. 2 to produce him before this Court, therefore, this Court directed the SSP, Meerut to

appear personally to give explanation for non compliance of order of this Court on his part. In compliance of order dated 8.10.2026, SSP, Meerut is present and apprised the Court that at the time of receiving the order of non bailable warrant, he was on leave from 28.09.2026 to 02.10.2026 and as soon as he joined on 3.10.2026, he immediately directed the concerned SHO to execute the non bailable warrant. In pursuance of his order, non bailable warrant dated 28.9.2026 issued by this Court was executed and opposite party no. 2 was produced before CJM, Meerut, who sent him to judicial custody and he admitted that there was negligence on the part of his subordinates and that they should have moved application before CJM, Meerut to produce the opposite party no. 2 before this Court in compliance of non bailable warrant dated 28.9.2026.

5. It appears that there is negligence on the part of subordinates of SSP, Meerut, but as SSP, Meerut was himself the execution authority in non bailable warrant, therefore, it was his duty to ensure the presence of opposite party no.2 before this Court. Further, this Court instead of passing any adverse order against him directs him to remain in this Court till 4.00 P.M. today with further direction that he will be more careful in future.

6. It is also surprising that the CJM, Meerut despite knowledge of the order dated 28.09.2026 of this Court and knowing the fact that non bailable warrant has been issued by the High Court for producing opposite party no. 2 before this Court sent him to judicial custody without any direction to produce the opposite party no. 2 before this Court. This fact shows sheer negligence and indiscipline on the part of C.J.M., Meerut. Thus office is directed to produce this order before the Hon'ble Administrative Judge, Meerut for further action against the CJM, Meerut in administrative side.

7. Coming to the merits of the case, learned counsel for the applicant submitted that though against the rejection of bail order by special Court under SC/ST Act, criminal appeal lies under Section 14A of SC/ST Act but for cancellation of bail granted by High Court in Criminal Appeal, there is no provision to file application in criminal appeal. Therefore, for cancellation of the bail application under Section 483 sub section (3) BNS is to be filed. In support of his contention, he has placed reliance upon the judgment of single bench of Madhya Pradesh Bench at Gwalior in **Misc. Criminal Case No. 22615 of 2020 (Smt. Sunita Gandharva Vs. State of M.P. & another)** wherein single bench of Madhya Pradesh High Court has observed that application for cancellation of bail under Section 439 Cr.P.C. [483 (3) of BNSS] at the instance of complainant/ aggrieved party is maintainable before the High Court where the order of bail itself was passed in appeal.

8. Counsel for opposite party no. 2 though opposed the contention but could not produce any judgment reverting the aforesaid submission made by learned counsel for the applicant.

9. Applicant [REDACTED] is present before this Court. Opposite party no. 2 is also present before this Court in pursuance of earlier order of this Court and he clearly refused to marry with the applicant [REDACTED] despite his undertaking at the time of obtaining bail in Criminal Appeal No. 1839 of 2026, therefore, prima facie Court is satisfied that he has breached the undertaking, which was given by him at the time of obtaining bail, therefore, bail of the opposite party no. 2 is cancelled and present application is **allowed**.

10. SSP, Meerut is directed to take him into custody immediately and produce him before concerned Magistrate for judicial custody. However, applicant is at liberty to file fresh bail application.

11. It is further clarified that opposite party no. 2 has already been produced before this Court in execution of non bailable warrant dated 28.09.2026, therefore, no further custody is required in pursuance of non bailable warrant dated 28.09.2026.

12. Copy of this order shall also be placed before the Hon'ble Administrative Judge, Meerut for perusal.

October 24, 2026
Arvind

(Arun Kumar Singh Deshwal,J.)