



2026:AHC:126330

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 15786 of 2026

Kari Altaf

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Chandan Yadav, Dipanshu Kushwaha
Counsel for Opposite Party(s) : G.A., Syed Faiz Hasnain

Court No. - 5

HON'BLE SANJIV KUMAR, J.

1. Heard Sri Dipanshu Kushwaha, learned counsel for the applicant, Sri Mohd. Hasan, Advocate, holding brief of Sri Syed Faiz Hasnain, learned counsel for opposite party no.4, learned A.G.A for the State of U.P. and perused the record.
2. The present bail application has been filed on behalf of the applicant in Case Crime No.37 of 2026, under Section 351(2) B.N.S. and Section 5(F)/6/18 of POCSO Act, Police Station -Gulawati, District -Bulandshahr, with the prayer to enlarge him on bail.
3. Allegation against the applicant is that the applicant, being a teacher, called the victim into a room and tried to commit sexual assault using physical force. On raising alarm by the victim, the applicant fled away from the spot and threatened the victim for life. Learned counsel for the applicant submits that the applicant is innocent person and has been falsely implicated in the case. It has further been submitted that the FIR was lodged with consideration delay without any plausible explanation. The victim was medically examined after about 15 days, wherein the doctor has opined that the injuries were fresh in nature so it does not corroborate with the prosecution version. As per medical report, there was no mark of injury over the victim. There is no evidence of aggravated sexual assault, so offence under Section 5(F)/6/18 POCSO Act is not made out. The investigation has been completed and charge-sheet has been submitted. There is no witness of the alleged incident and he is

languishing in jail since 24.03.2026 having no criminal history to his discredit. In these circumstances, the applicant is entitled for bail. In case of being enlarged on bail, he will not misuse the liberty of bail.

4. Learned counsel for the opposite party no. 4 submits that the applicant has committed a grievous offence and has tried to commit sexual assault upon the victim, using physical force. It has also been submitted that there is a proper explanation regarding lodging the FIR with delay. The medical report also supports the prosecution version. Learned A.G.A. has also opposed the prayer for grant of bail to the applicant, but he does not dispute the fact that in the injury report, no mark of injury on anus of the victim was found.

5. Considering the rival submissions of learned counsel for parties and going through the contents of FIR as well as other relevant documents, I am of the view that the applicant is entitled to be released on bail.

6. Let the applicant-**Kari Altaf**, who is involved in aforementioned case crime be released on bail on his furnishing a personal bond of Rs. 2 lacs and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

(i) The applicant shall not commit or participate in any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(ii) The applicant 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 or tamper with the evidence.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The applicant shall remain present before the Trial Court on each date

fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A IPC/ 269 BNS.

(v) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C./ 84 BNSS, may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the Trial Court shall initiate proceedings against him, in accordance with law.

(vi) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C/ 351 BNSS. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

7. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail by the trial court.

(Sanjiv Kumar,J.)

June 9, 2026

Gss