



2026:AHC:164915

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 27451 of 2026

Shantanu Vanshkar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shiv Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Learned A.G.A. submits that the notice of the instant application has been served upon the opposite party no.4/informant on 18.07.2026 and opposite party no.3/C.W.C. on 18.07.2026. The receiving endorsements produced by learned A.G.A. are taken on record. However, no one appears on behalf of the said opposite parties nor any counter affidavit has been filed on their behalf.

2. Heard learned counsel for the applicant and Sri Neeraj Kumar Sharma, learned AGA for the State-opposite party. Perused the material available on record.

3. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 86 of 2025, under Sections 137(2), 64(2)m, 115(2), 324(4) B.N.S. and Section 5/6 POCSO Act, Police Station- Sadar Bazar, District- Jhansi, during the pendency of the trial.

4. Learned counsel for the applicant contends that the applicant was not named in the first information report and has been falsely implicated in the present case. The incident is alleged to have occurred on 07.09.2025, whereas the first information report was lodged on 10.09.2025. The delay in lodging the first information report is fatal to the prosecution case. It is contended that there is no educational certificate of the victim on record to establish her date of birth. As per the report of the Chief Medical Officer, Jhansi dated 28.02.2026, the estimated age of the victim is 22

years. It is next contended that the victim returned to her parental house on 23.02.2026. In her statement recorded under Section 183 BNSS, the victim stated that she had left her home on her own violation, had gone to the house of the applicant and resided with him for almost three to four months. It is further contended that the conduct of the victim indicates that she was a consenting party. Further, there are inconsistencies in the statements of the victim recorded under Sections 180 and 183 B.N.S.S. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 14.03.2026 having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.

5. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the applicant was not named in the first information report, which was lodged belatedly. As per the report of the Chief Medical Officer, Jhansi dated 28.02.2026, the estimated age of the victim is 22 years. There are inconsistencies in the statements of the victim recorded under Sections 180 and 183 B.N.S.S. Further, the applicant has remained confined for more than four months and after submission of charge sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant **Shantanu Vanshkar**, involved in the aforesaid case crime be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence;
- (iii) shall not pressurize the prosecution witnesses.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

August 6, 2026

Abhishek

(Vivek Varma,J.)