



2026:AHC-LKO:42008

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4509 of 2026

Abhay Kumar

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of Home,
Lko. And 4 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Nijam Ahamad
Counsel for Opposite Party(s)	:	G.A.

Court No. - 12

HON'BLE SHREE PRAKASH SINGH, J.

Sri Ashish Kumar Shukla, Advocate has filed vakalatnama on behalf of victim/opposite party no.3 today in Court and the same is taken on record.

Heard learned counsel for the applicant, learned counsel for opposite party no.3, learned AGA for the State and perused the record.

The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail during the trial in Case Crime No. 444 of 2025, under Sections 137(2), 87, 64(1) BNS and Section 5L/6 POCSO Act, Police Station Jalalpur, District Ambedkar Nagar.

Contention of learned counsel for the applicant is that the applicant is innocent and has falsely been implicated in the instant matter due to ulterior motive. He further submits that victim herself went away with the applicant and now she is major and has performed marriage with the applicant. He submits that statement of victim under Section 183 BNSS demolishes the story of the prosecution as she stated that she had went away with the applicant with her own free will. Learned counsel for applicant submits that victim/opposite party no.2 is major as is evident from her High School Mark-sheet and she has performed marriage with the applicant and she is now residing with the applicant. He further submits that mother of the victim/opposite party no.3 has lodged the FIR

as she was not happy with the relationship of applicant and opposite party no.3. He also submitted that applicant is languishing in jail since 10.04.2026 and he has no criminal history. Applicant undertakes that he will not misuse the liberty of bail, if granted and would cooperate in the trial proceedings. Thus, submission is that the applicant may be enlarged on bail.

Per contra, learned AGA appearing for the State has opposed the prayer for bail.

Having considered the submissions of learned counsels for the parties and after perusal of the record, it is apparent that victim is major at this juncture, statement of victim recorded under Section 183 BNSS supports the version of learned counsel for applicant. The facts remains that the both applicant and victim have performed marriage and are residing together as husband and wife, the applicant has no previous criminal history and he is languishing in jail since 10.04.2026, no fruitful purpose would be served by putting the applicant behind the bars and he has undertaken that he will not misuse the liberty of bail, if granted and would cooperate in the trial proceedings.

Considering the submissions of learned counsels for the parties, nature of accusation and severity of punishment in case of conviction, nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment and considering larger mandate of the Article 21 of the Constitution of India and, without expressing any view on the merits of the case, I find it to be a fit case of bail.

Let the applicant-**Abhay Kumar**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

(1) The applicant shall not tamper with the prosecution evidence by

intimidating/pressurizing the witnesses, or otherwise during the investigation or trial;

(2) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. He 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 of the Indian Penal Code;

(3) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C.; and

(4) 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. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, the trial court shall initiate proceedings against him, in accordance with law under Section 174-A of the Indian Penal Code.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the merits of the case.

(Shree Prakash Singh,J.)

June 25, 2026

Arti/-