



2026:AHC:177650

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 5392 of 2026

Roop Singh @ Kalu

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rahul Singh, Rajjan Verma
Counsel for Opposite Party(s)	:	Ankita Pandey, G.A.

Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Rahul Singh Rajpoot, learned counsel for the applicant and Sri B.P. Singh, learned A.G.A. for the State and Miss Ankita Pandey, learned counsel for High Court Legal Services Committee. Supplementary affidavit filed today is taken on record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 444 of 2025, under Sections 78(2), 318(2), 65(1), 351(3) of BNS and Section 4(2) of POCSO Act and Section 67 of I.T. Act, Police Station Rath, District Hamipur, during the pendency of the trial.

3. As per the report submitted by Chief Judicial Magistrate, notice has been served on the first informant.

4. It is contended by the learned counsel for the applicant that the applicant has been falsely implicated in the present case and there is no allegation of rape in the FIR as well as in the statement of the victim recorded under Sections 180 BNSS, however, in her statement under Section 183 BNSS she has stated that the applicant sexually harassed her and outraged her modesty and also inserted his finger into her private party. It is further submitted that the age of the victim has been found to be 14 years as per her certificate of Class 8th however, there is no High School certificate or the certificate of school first attended and no radio-logical examination of the victim has been conducted for her age determination. It is further submitted that the medico-legal report of the

victim does not support the allegation of sexual assault. It is also submitted that the applicant has been languishing in jail since 21.12.2025 and he is having criminal history of five cases in which he is on bail. It is lastly submitted that in case the applicant is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned A.G.A. and learned counsel for High Court Legal Services Committee have vehemently opposed the prayer for bail, however, it is submitted that the the victim is a minor girl aged about 14 years and in her statement under Section 183 BNSS she has stated that the applicant sexually harassed her and outraged her modesty and also inserted his finger into her private party.

6. As per the allegation in the FIR, the applicant is said to have recorded a video of the victim taking bath and on showing the said video he is also said to have exerted pressure to get married with him. Similar statement has been given by the victim in her statement recorded under Section 180 BNSS, however, in her statement under Section 183 BNSS she has stated that the applicant sexually harassed her and outraged her modesty and also inserted his finger into her private party, however, there is no mention of any and date. The age of the victim has been found to be 14 years as per her certificate of Class 8th however, there is no High School certificate or the certificate of school first attended and no radio-logical examination of the victim has been conducted for her age determination. The medico-legal report of the victim does not support allegation of sexual assault. The applicant has been languishing in jail since 21.12.2025 and he is having criminal history of five cases in which he is on bail.

7. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of ***Kapil Wadhawan vs Central Bureau of Investigation*** reported in 2025 SCC OnLine SC 3038 as well as guideline of this Court in the case of ***Maya Tiwari Vs. State of U.P.*** reported in 2024 SCC

Online All 6765 regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Accordingly, the present application is **ALLOWED**.

9. Let the applicant- **Roop Singh @ Kalu** 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:-

(i) 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.

(ii) The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

(iv) The applicant shall attend in accordance with the conditions of the bond executed by him.

10. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

11. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

12. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

13. Office is directed to send a copy of this order to the applicant through **concerned Jail Superintendent** via e-mail or e-prison portal within 24

hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in (2024) 10 SCC 685.

(Jitendra Kumar Sinha,J.)

August 21, 2026

Abhishek