



2026:AHC-LKO:42295

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4626 of 2026

Ajay Kanjar

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Firoz Ahmad Khan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 12

HON'BLE SHREE PRAKASH SINGH, J.

Supplementary affidavit filed today is taken on record.

Heard learned counsel for the applicant, the learned A.G.A. for the State and perused the record.

The instant bail application has been filed on behalf of the applicant with a prayer to release the applicant on bail during the trial in Case Crime No.191 of 2025, under Sections 137(2), 87, 65 of the Bhartiya Nyaya Sanhita, 2023 (corresponding Sections 363, 366 & 376(3) IPC) & Sections 5/6 of the Protection of Children from Sexual Offences Act, 2012, P.S.-Maharajganj, District - Raebareli.

As per the prosecution story, rape has been committed upon the minor girl stated to be 12 years of age at the time of occurrence.

It is contended by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case due to ulterior motive. He submits that the victim did not support the version of the prosecution in her statement under Section 164 CrPC and even the complainant (PW 2) has also not supported the version of the prosecution. He added that no such incident has ever taken place and because of certain annoyance, the present FIR has been lodged and serious allegation has been levelled against him. He further submitted that the trial would not lead to conviction of the applicant as the PW 1 and PW 2 both have contradicted the story of the prosecution. He submitted that criminal history of the applicant has been explained in the supplementary affidavit and the applicant is languishing in jail since 17.9.2025 and in case, the applicant is granted bail,

he will not misuse the liberty and would co-operate in the trial proceedings.

Per contra, learned A.G.A. vehemently opposed the prayer of bail but he could not dispute the fact that statements of the PW1 and PW 2 before the trial court have contradicted and demolished the story of the prosecution.

Having heard the learned counsel for the parties and after perusal of record, it is apparent that statements of the victim as well as the complainant before the trial court whereby they have not supported the story of the prosecution story and belied the same; criminal history of the applicant has been explained in the supplementary affidavit; the applicant is languishing in jail since 17.9.2025 and he has undertaken that he will not misuse the liberty of bail if granted and would co-operate in the trial proceedings.

Considering the submissions of learned counsel of both sides, 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 case of bail.

Let the applicant **Ajay Kanjar** 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 30, 2026

Ram Murti