



2026:AHC:176417

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 8386 of 2026

Tarun Chauhan @ Cheeku

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Bipin
Counsel for Opposite Party(s)	:	G.A., Shambhavi Nandan

Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Shri Bipin Shukla, learned counsel for the applicant, Shri Shambhavi Nandan, learned counsel for the first informant and Shri B.P. Singh, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 466 of 2024, under Sections 504, 354C, 509, 506, 376(3), 384 of I.P.C. and Section 5(1)/6 of POCSO Act and Section 67 of I.T. Act, Police Station Sector 49, District Gautam Budh Nagar, during the pendency of the trial.

3. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case though there is no incriminating material against him. It is further submitted that the applicant has been languishing in jail since 26.11.2024 and all the prosecution witnesses have been examined and the statement of the applicant has been recorded under Sections 313 Cr.P.C. / 351 BNSS. It is further submitted that there is no chance of tampering of evidence and the applicant may be released on bail in order to enable him to produce the witnesses in his defence. Learned counsel for the applicant has relied upon the order dated 14.10.2025 passed by a co-ordinate bench of this Court in the case of Asha vs. State of U.P. and connected bail applications. In that order, the co-ordinate bench, referring to various judgments, held that bail may be granted to an accused even after the recording of their statement under Section 313 of the Cr.P.C. / Section

351 of the BNSS to allow him to produce witnesses in his defence. It is further submitted that the applicant is having no criminal history and the applicant has been languishing in jail since 26.11.2024, in case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned counsel for the first informant and learned A.G.A. have vehemently opposed the prayer for bail and it has been submitted by them that the applicant has not given any list of defence witnesses.

5. As per report submitted by the learned trial Court, all the prosecution witnesses have been examined and the statement of the applicant has been recorded under Sections 313 Cr.P.C. / 351 BNSS and there is no chance of tampering of evidence and the applicant may be released on bail in order to enable him to produce the witnesses in his defence. Learned counsel for the applicant has relied upon the order dated 14.10.2025 passed by a co-ordinate bench of this Court in the case of *Asha vs. State of U.P.* and connected bail applications. In that order, the co-ordinate bench, referring to various judgments, held that bail may be granted to an accused even after the recording of their statement under Section 313 of the Cr.P.C. / Section 351 of the BNSS to allow them to produce witnesses in their defence. It is further submitted that the applicant is having no criminal history and the applicant has been languishing in jail since 26.11.2024.

6. 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.

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

8. Let the applicant- **Tarun Chauhan @ Cheeku** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two heavy 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.

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

10. 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.

11. 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.

12. Office is directed to send a copy of this order to the applicant through **Jail Superintendent**, Gautam Buddh Nagar 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.

13. The learned trial Court is directed to conclude the trial as expeditiously and preferably within three months and the applicant is also directed to lead his defence within three months.

(Jitendra Kumar Sinha,J.)

August 20, 2026

RKM