



2026:AHC-LKO:40636

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 5252 of 2025

Sameer

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of Home
Lko And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Jai Prakash Shukla, Apoorva Jyoti,
Ashish Kumar Rastogi, Mohd. Imran
Khan, Neeraj Kumar Rawat, Salman
Abbas, Shaher Bano, Syd Shaheen
Fatma, Syed Waqar Husain

Counsel for Opposite Party(s) : G.A.

Court No. - 11

HON'BLE RAJEEV SINGH, J.

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

The record reveals that the notice has already been served on the complainant, but none has put in appearance on his behalf.

2. The present bail application has been filed by the applicant in F.I.R. No. 73 of 2025, under Sections 115(2), 76, 351(2) BNS and Section 7/8 POCSO Act, Police Station Madeyganj, District Lucknow with the prayer to enlarge him on bail.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in the present case. It is further submitted that some quarrel was taken place in between the members of the applicant and the complainant of the present case. However, only with the intention to harass the applicant, on the basis of concocted facts, F.I.R. was lodged with the allegation that victim was scolded by the applicant at a shop, where her clothes were also torn by the accused persons. The accused persons also beat her sisters and other family members. Thereafter, they ran away and while giving threat that, in case, they approached to the police, her house will

be burnt. Submission of the learned counsel for the applicant is that the alleged torn clothes were not taken into custody by the Investigating Officer and neither any shop has been mentioned by the Investigating Officer at the time of preparing site plan nor the statement of any shopkeeper was recorded. However, the charge sheet was submitted on the basis of general allegations of the victim and other family members. It is lastly submitted that in near future, there is no possibility of conclusion of trial and the applicant, who has no criminal antecedent, is in jail since 06.05.2025. In such circumstances, applicant is entitled for bail. It is also submitted that the applicant will never misuse the liberty of bail and shall fully cooperate in the trial.

4. Learned A.G.A. opposes the prayer for grant of bail to the applicant and submits that after collecting sufficient evidences, charge sheet was submitted by the Investigating Officer. However, she does not dispute the fact that the alleged shop has not been mentioned in the site plan nor the statement of the shopkeeper was recorded by the Investigating Officer.

5. Considering the arguments advanced by the learned counsel for the applicant, learned A.G.A. and going through the contents of F.I.R., counter affidavit as well as other relevant documents, it is evident that there is no whisper about any shop in the site plan. In such circumstances, this Court is of the view that the applicant is entitled to be released on bail.

6. Application stands allowed.

7. Let applicant -Sameer be released on bail in F.I.R. No. 73 of 2025, on his furnishing personal bond of Rs.20,000/- and two reliable sureties each of the like amount, subject to following conditions:-

(i) The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(ii) 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.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The applicant 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 269 BNS.

(v) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 84 BNSS may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 BNS.

(vi) The applicant shall remain present, in person, before the trial court on dates fixed for (a) opening of the case, (b) framing of charge; and (c) recording of statement under Section 351 BNSS. If in the opinion of the trial court, absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order in the matter regarding cancellation of bail.

(Rajeev Singh,J.)

June 9, 2026

VKS