



2026:AHC:3087

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 40739 of 2025

Shiv Gond

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Janardan
Counsel for Opposite Party(s) : G.A., Mangleshwar Verma, Renu
Sharma

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Janardan, learned counsel for the applicant, Shri Mangleshwar Verma, learned counsel for the first informant and Shri Ajai Singh, learned A.G.A. representing the State respondents.

This bail application under Section 483 B.N.S.S. has been moved on behalf of accused-applicant, Shiv Gond seeking enlargement on bail in Case Crime No. 147 of 2025, under Sections- 137 (2) B.N.S. and Section 16/17 of POCSO Act, Police Station-Kotwali Padrauna, District-Kushinagar, during the pendency of trial.

Learned counsel for the applicant argued that the accused-applicant is innocent. He has been falsely implicated in this very case crime number and is languishing in jail since 08.09.2025. First Information Report has been lodged on 21.03.2025, with a delay of 38 days without any plausible explanation, for an incident occurred on 13.02.2025, against one Deepak Rawat, with the allegation that on the date of incident the named accused Deepak Rawat committed rape with her. Learned counsel for the applicant submits that the name of the applicant has surfaced in the statement of the victim with the allegation that he was only sitting with the named accused and except this there is no allegation against the applicant. Learned counsel for the applicant further submits that in the present case charge sheet has been filed on 17.09.2025 and there is no need of further custodial interrogation of the applicant. The applicant has no criminal antecedent and there is no likelihood of his fleeing from course of justice or tampering with

evidence in case of release on bail. Hence, bail has been prayed for.

Learned learned AGA as well as learned counsel for the first informant has vehemently opposed, but could not dispute the fact that applicant has no criminal antecedents.

Considering all those facts and circumstances, the nature of accusations, severity of the punishment in the case of conviction and nature of supporting evidence, reasonable apprehension of tampering with the witness and prima facie case, but without commenting on merit of case, a case for bail is made out.

Accordingly, the bail application is allowed.

Let the accused-applicant, ***Shiv Gond***, involved in above mentioned case crime number be released on bail, on his executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

1. The applicant will not tamper with the evidence.
2. The applicant will not indulge in any criminal activity.
3. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
4. The applicant will appear regularly on each and every date fixed by the trial court, unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

(Ashutosh Srivastava,J.)

January 7, 2026

Deepak/