



2026:AHC:63047

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 6228 of 2026

Ashish

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Narendra Kumar, Sitendra Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 69

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Shri Brijesh Kumar Yadav, holding brief of Shri Narendra Kumar, learned counsel for the applicant and Shri B.P. Maurya, learned AGA for the State- respondents and perused the record.

2. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant, with a prayer to release him on bail in Case Crime No. 574 of 2025, under Sections 115(2), 351(3) of B.N.S. and Section 5(m)/6 POCSO Act, registered at Police Station Bidhuna, District Auraiya, during pendency of the trial.

3. It has been argued by the learned counsel for the applicant that applicant is innocent and she has been falsely implicated in this case. It is further submitted that the first information report has been lodged after delay of 24 hours and no offence of penetrative sexual assault is made out against the applicant. It is further submitted that as per allegations in the first information report, the statement of the victim and the statement of the witness, the grand mother of the victim. it is further submitted that there is no corroboration of the offence from the medical evidence. The applicant, who is languishing in jail since 05.12.2024, undertakes that she will not misuse the liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

4. Per contra learned A.G.A. has opposed the prayer for bail of the applicant and it has been submitted by him that the notice has been served

on the first informant. It is further submitted that the victim is aged about 8 years and has clearly stated in his statement recorded under Sections 180 and 183 BNSS about the incident and that has been supported by the eye witness, his grand mother.

5. As per allegations in the first information report, there is no specific mention of penetration of the private part on the mouth of the victim. The applicant is languishing in jail since 05.12.2024.

6. Upon considering the totality of facts, nature and the evidence reflected from record and without expressing any opinion on merits of the case, I find it to be a fit case for bail. Hence, the present bail application is allowed.

7. In the event of arrest of the applicant- **Ashish** involved in the aforesaid case crime shall be released on bail on her furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned :-

(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 not pressurize/intimidate the prosecution witnesses.

(iii) 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 351 of B.N.S.S.

(iv) The applicant shall file an undertaking to the effect that she shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

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

9. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(Jitendra Kumar Sinha,J.)

March 26, 2026
RKM