



2026:AHC:60907

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 6381 of 2026

Salman @ Guddu

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Preetpal Singh, Swayam Prakash Ojha
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. As per the office report dated 23.03.2026, notice of the present application has been served upon the informant personally. However, no one appears on behalf of the informant nor any counter affidavit has been filed on his behalf.
2. Heard learned counsel for the applicant and Sri Neeraj Kumar Sharma, learned A.G.A. for the State-opposite party.
3. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 492 of 2025, under Sections 64(2)(m), 351(2) B.N.S. and 3(2)(va), 3(2)(v) SC/ST Act and 5(1)/6 POCSO Act, Police Station Naini, District Prayagraj during the pendency of the trial.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. Neither the first information report nor the statement of the victim under Section 180 B.N.S.S. discloses the specific date of incident. As per the first information report, the applicant frequently stops the daughter of the informant, teases and harasses her and has also threatened to kill her. Subsequently, the victim in her statements under Sections 180 and 183 B.N.S.S. has materially improved the version and has levelled allegation of rape against the applicant.

It is contended that the said contradictions between the first information report and the statements of the victim under Sections 180 and 183 B.N.S.S. discredit the prosecution case at this stage. The victim is major. As per the ossification test report, the age of the victim was found to be 16 years. It is contended that the range of error in determining the age is about two years and the same should be read in favour of the applicant at this stage. Further, the victim refused to undergo for medico legal examination and sample collection. At this stage there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 21.09.2025 having no criminal history and if he is released on bail, he will not misuse the said liberty.

5. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that neither the first information report nor the statement of the victim under Section 180 B.N.S.S. discloses the specific date of incident. There are material contradictions between the first information report and the statements of the victim under Sections 180 and 183 B.N.S.S.. The victim had refused to undergo for medico legal examination and sample collection. At this stage there is no corroborative evidence to link the applicant with the offence. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than six months and after submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- Salman @ Guddu, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

March 24, 2026
SKT/-

(Vivek Varma,J.)