



2026:AHC:11370

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 41962 of 2025

Shiva

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Ajai Mani Tiwari, Manvendra Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Manvendra Singh, learned counsel for the applicant, Shri Yagvalk Pandey, learned AGA for the State-respondents and perused the record.

This bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been moved on behalf of accused-applicant, Shiva, seeking enlargement on bail in Case Crime No. 412 of 2025, under Sections 76 of the Bharatiya Nyaya Sanhita, 2023 and Section 9/10 of POCSO Act, Police Station Jait, District Mathura, during the pendency of the trial before the Court below.

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 29.9.2025. Learned counsel for the applicant submits that FIR has been lodged with the delay of 06 days and no explanation for delay in lodging the FIR has been given. FIR has been lodged only on the basis of suspicion. There is material contradiction in the FIR version as well as in the statements of victim recorded under Sections 180 and 183 BNSS. The victim has refused for her medical examination. He 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 AGA has vehemently opposed the prayer for bail.

Considering all above 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, **Shiva**, 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 16, 2026

Ravi Prakash