



2026:AHC:54100

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 7990 of 2026

Samrat

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Anita Singh, Kumari Poonam Rajpoot,
Prem Babu Verma
Counsel for Opposite Party(s) : G.A.

Court No. - 70

HON'BLE SANTOSH RAI, J.

1. Heard learned counsel for the applicant, Sri Purushottam Maurya, learned AGA for the State-respondents and perused the record.
2. This bail application has been moved on behalf of accused-applicant Samrat seeking enlargement on bail in Case Crime No.157 of 2025, under Sections 137(2), 87, 61(2) B.N.S., Police Station Khairgarh, District Firozabad.
3. Tersely, as per the allegation contained in the FIR accused Shivam has kidnapped the minor daughter of informant and she was recovered on the very same day.
4. Learned counsel for the applicant submits that the accused-applicant has not committed any offence as alleged in the FIR and has been falsely implicated in this case due to close relationship with the main accused Shivam. Applicant is languishing in jail since 14.1.2026. It is submitted that neither the applicant is named in the FIR nor any specific and distinct role of applicant regarding kidnapping the victim or committing rape etc has been assigned in the FIR or in the statement of victim recorded under Section 180 B.N.S.S.. It is further submitted that victim has not stated specific and distinct role of applicant in her statement recorded under Section 180 B.N.S.S. but in her statement under Section 183 B.N.S.S. which was recorded after two days of the incident she has assigned common and general role of applicant, co-accused Shivam and Sher Singh that all the accused persons has committed sexual intercourse with her which is totally false and unreliable. It is argued that as per statement recorded under Section 180 B.N.S.S. her age is 17 years, whereas as per her statement under Section 183 B.N.S.S. her age is 16 years. It is further argued that the main accused

Shivam has already been enlarged on bail by Juvenile Justice Board on 15.12.2025. It is next argued that the victim has already been recovered and applicant has no criminal antecedents to his credit. Submission is that the conclusion of trial will take sufficiently long 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.

5. Per contra, learned AGA has opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre-trial stage, therefore, he does not deserve any indulgence. It is further submitted that, in case the applicant is released on bail, he may again indulge in similar activities and misuse the liberty of bail.

6. Having considered the submissions of the parties noted above as also the fact that applicant is not named in the FIR no specific and distinct role of applicant regarding kidnapping the victim or committing rape etc has been assigned in the FIR or in the statement of victim recorded under Section 180 B.N.S.S., as per statement recorded under Section 180 B.N.S.S. her age is 17 years, whereas as per her statement under Section 183 B.N.S.S. her age is 16 years, in the case diary the allegation against the applicant is that he is brother-in-law of main accused Shivam, who is named in the FIR, in her statement under Section 183 B.N.S.S. which was recorded after two days of the incident she has assigned common and general role of applicant, co-accused Shivam and Sher Singh, co-accused Sher Singh is said to be uncle (fufa) of the co-accused Shivam, applicant has no criminal history, keeping in view the uncertainty regarding conclusion of trial; larger mandate of the Article 21 of the Constitution of India, considering paragraph no.53 of Apex Court in case of **Manish Sisodia vs. Directorate of Enforcement 2024 (SC) LawSuit 677**, dictum of Apex Court in **Union of India vs. K.A. Najeeb (2021) 3 SCC 713 & Satender Kumar Antil vs. Central Bureau of Investigation & Anr. (2022) 10 SCC 51** and without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid crime be released on bail on his furnishing personal bond and **two heavy sureties** each in the like amount to the satisfaction of the court concerned with the following conditions that:-

(i) The applicant shall not tamper with the evidence or threaten the witnesses.

(ii) The applicant shall file an undertaking to the effect that he shall not seek

any adjournment on the dates fixed for evidence when the witnesses are present in Court.

(iii) The applicant shall remain present before the trial court on each date fixed, either personally or as directed by the court concerned.

(iv) 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 of accused personally to explain circumstances appearing in the evidence against him.

(v) In case the applicant misuses the liberty of bail during trial and in order to secure his presence, the trial court shall initiate proceedings against him strictly, in accordance with law.

7. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail by the trial court.

8. Identity and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

March 17, 2026
RA

(Santosh Rai,J.)