



2026:AHC:55477

**HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 5746 of 2026**

Lalit

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	: Avinash Mani Tripathi, Prashant Kumar Singh
Counsel for Opposite Party(s)	: G.A., Nishtha, Rakesh Kumar

Court No. - 53

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Prashant Kumar Singh, learned counsel for the applicant, Sri Ajay Kumar Yadav, Advocate holding brief of Ms. Nishtha, learned counsel for the O.P. No.4/first informant and Sri Ajay Singh, learned AGA-I for the State and perused the material on record.

3. This second bail application under Section 483 BNSS has been filed by the applicant **Lalit**, seeking enlargement on bail during trial in connection with Case Crime No. 183 of 2025, under Sections 137(2), 64, 87 BNS and Section 3/4(2) POCSO Act and Section 3(2)(5) SC/ST Act, registered at P.S. Tappal, District Aligarh.

4. The first bail application of the applicant was rejected by this Court vide order dated 14.07.2025 passed in Crl. Misc. Bail Application No. 22369 of 2025 (Lalit Vs. State of U.P. and 3 others).

5. The submission of learned counsel for the applicant is that the applicant has been falsely implicated in the present case. It is submitted that the trial in the present matter has started in which Shiv Charan the first informant has been examined as PW-1 who did not support the prosecution case and has been declared hostile, copy of the said statement has been placed before the Court which is annexure 13 to the affidavit. Further it is submitted that the victim was examined as PW-2 who also did not support the prosecution case and has been declared hostile, copy of the statement has been placed before the Court which is annexure 14 to the affidavit. While placing the report of the CMO concerned with regards to the determination of age of the victim it is submitted that the CMO concerned has opined her age to be about 18-19 years and thus she is a major. It is submitted that the victim has disowned the prosecution version and has exonerated the applicant while being examined before the trial court. The applicant has no criminal history as stated in para 24 of the affidavit and is in jail since 24.04.2025.

6. Per contra, learned counsel for the State opposed the prayer for bail but could not dispute the arguments as aforesaid.

7. Learned counsel for the first informant/opposite party no.4 did not oppose the bail application and did not oppose the arguments as done on behalf of the applicant.

8. After having heard learned counsels for the parties and perusing the records, it is evident that this second bail application. The first bail application of the applicant was rejected by this Court vide order dated 14.07.2025. The trial in the present matter has started in which Shiv Charan the first informant has been examined as PW-1 who did not support the prosecution case and has been declared hostile. Further the victim was examined as PW-2 who also did not support the prosecution case and has been declared hostile. The report of the CMO concerned with regards to the determination of age of the victim has opined her age to be about 18-19 years and thus she is a major. The victim has disowned the prosecution version and has exonerated the applicant while being examined before the trial court.

9. Looking to the facts and circumstances of this case, the nature of evidence and also the absence of any convincing material to indicate the possibility of tampering with the evidence, this Court is of the view that the applicant may be enlarged on bail.

10. Let the applicant **Lalit**, be released on bail in the aforesaid case crime number on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

i) The applicant will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

ii) The applicant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The applicant will not misuse the liberty of bail in any manner whatsoever. In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under section 84 BNSS, 2023 may be issued and if applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate

proceedings against him, in accordance with law, under section 209 BNS, 2023.

(v) The applicant shall remain present, in person, before the trial court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 351 BNSS, 2023. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law and the trial court may proceed against him under Section 269 BNS, 2023.

(vi) The trial court may make all possible efforts/endeavour and try to conclude the trial expeditiously after the release of the applicant.

11. The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the applicant to prison.

12. The bail application is **allowed**.

13. Pending application(s), if any, shall stand disposed of.

14. Since the prosecutrix has completely denied the prosecution version, she is not entitled to the benefit of any compensation paid by the State Government which has been collected from the taxpayers of the country. The trial court will consider issuance of a direction against the prosecutrix to refund the amount received by her as compensation, if any, in the appropriate head of the treasury account.

15. However, it is directed that launching of prosecution against the first informant and the victim be proceeded in view of para 11 of the judgment in the case of "**Aman Vs. State of U.P. and 3 others**" : **Criminal Misc. Bail Application No. 41458 of 2023 dated 02.02.2024** which reads as under:

"11. अतः न्यायालय यह आदेशित करती है कि यदि पीड़िता के पक्ष द्वारा जो धन सरकार से लिया गया है, वह उसको ब्याज के साथ वापस करे और संबंधित अधीनस्थ न्यायालय अगर यह पाती है कि विपक्षी पक्ष द्वारा गलत मुकदमा किया गया था, तो उनके विरुद्ध भी अभियोजन की कार्यवाही की जाए। इस आदेश की एक प्रति संबंधित अधीनस्थ न्यायालय एवं जिलाधिकारी को प्रेषित की जाए कि यदि वर्तमान प्राथमिकी गलत पायी जाती है तो, पीड़िता को मिले धन की राजस्व के रूप में वसूली करके सरकारी खाते में जमा करे और संबंधित अधीनस्थ न्यायालय पीड़िता एवं उसके पक्ष के विरुद्ध अभियोजन चलाये।"

March 18, 2026
M. ARIF

(Samit Gopal,J.)