



2026:AHC:53814

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 8897 of 2026

Ramji Gautam

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Shiv Shankar Kaithal
Counsel for Opposite Party(s)	: G.A.

Court No. - 70

HON'BLE SANTOSH RAI, J.

1. Heard learned counsel for the applicant, Sri S.N. Rai, learned AGA for the State-respondents and perused the record.

2. This bail application has been moved on behalf of accused-applicant Ramji Gautam seeking enlargement on bail in Case Crime No.466 of 2025, under Sections 137(2), 87 B.N.S., Police Station Bilhaur, District Kanpur Nagar.

3. Tersely, as per the allegation contained in the FIR accused-applicant has kidnapped the minor daughter of informant having age of 15 years.

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 ulterior motive. Applicant is languishing in jail since 13.12.2025. It is submitted that though applicant is named in the FIR but he has not enticed or kidnapped the daughter of informant and the victim has not supported the prosecution version regarding her abduction by applicant. It is further submitted that victim has stated in her statement recorded under Section 180 B.N.S.S. that her age is 18 years, she loves applicant and she went alongwith applicant to Orissa on her own sweet will, whereas in her statement recorded under Section 183 B.N.S.S. she stated that she was annoyed with her parents that is why she went alongwith applicant to Orissa on her own volition, she loves applicant, applicant has not committed any wrong with her. It is argued that the victim in her statements recorded under Section 180, 183 B.N.S.S. has not specified the role of applicant regarding abducting her and as per FIR her age is 15 years, whereas age of victim as per statements recorded under Sections 180, 183 B.N.S.S. is 18 years. 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 though applicant is named in the FIR but the victim in her statements recorded under Section 180, 183 B.N.S.S. has not specified the role of applicant regarding kidnapping her and as per FIR her age is 15 years, whereas age of victim as per statements recorded under Sections 180, 183 B.N.S.S. is 18 years, the victim has stated in her statement recorded under Section 183 B.N.S.S. that she was annoyed with her parents that is why she went alongwith applicant to Orissa on her own volition, she loves applicant, applicant has not committed any wrong with her, applicant has no criminal history, charge-sheet has already been submitted on 17.12.2025, therefore, there is no reasonable possibility of intimidating or pressurizing the prosecution witnesses, 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 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.)