



2026:AHC:44233

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 6946 of 2026

Shiv Kumar @ Guddu

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Noor Muhammad, Yogesh Kumar
Srivastava

Counsel for Opposite Party(s) : G.A., Pravin Kumar, Sudhir Kumar

Court No. - 65

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State as well as learned counsel for the informant and perused the material brought on record.

2. Learned counsel for the applicant submits that the F.I.R. was lodged by the father of the victim regarding went missing his minor daughter aged about 17 years and 11 months. When the victim was recovered her statements under Sections 180 & 183 B.N.S.S. were recorded wherein she had specifically stated that on the date of occurrence she went on her own with the applicant to Allahabad where they solemnized marriage in a temple, thereafter, they went to Himachal Pradesh and now she is pregnant. The victim had denied for her internal medical examination. As per radiological report the victim is 18 years of age. Learned counsel further submits that as per statements of the victim she appears to be a consenting party and applicant has falsely been implicated. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have also been placed before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been mentioned. It has also been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required and is also ready to accept all the conditions which the Court may deem fit to impose upon him. He next submits that the applicant is in jail since 06.01.2026, with no criminal history.

3. Per contra, learned A.G.A. as well as learned counsel for the informant have opposed the prayer for bail of the applicant by contending that innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence.

4. Considering the overall facts and circumstances, the nature of

allegations, the gravity of offence and without expressing any opinion on merits, this Court finds it to be a fit case for bail. Accordingly, the bail application stands allowed.

5. Let the applicant-Shiv Kumar @ Guddu, be enlarged on bail in Case Crime No. 383 of 2025, under Sections 137(2), 87, 64 of B.N.S. and Section 5j(2)/6 of Protection of Children From Sexual Offences Act, Police Station- Alapur, District- Budaun, on executing a personal bond and furnishing two local sureties each in the like amount to the satisfaction of the court concerned with the following conditions:

- i) The applicant shall not tamper with the prosecution evidence.
- ii) The applicant shall not threaten or harass the prosecution witnesses.
- iii) The applicant shall appear on the date fixed by the trial court.
- iv) The applicant shall not commit any offence similar to the offence of which the applicant is accused, or suspected of the commission.
- v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing facts to the Court or to any police officer or tamper with the evidence.

6. In case of default of any of the conditions enumerated above, the court concerned shall be at liberty to cancel the bail of applicant in accordance with law.

(Dr. Gautam Chowdhary,J.)

February 25, 2026

Mustaqeem.