



2026:AHC:19137

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 41958 of 2025

Kafeel Ahmad

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Himanshu Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard learned counsel for the applicant, Sri Brijendra Kumar, learned AGA for the State-Respondent and perused the record.

The present bail application has been moved on behalf of accused-applicant seeking enlargement on bail in Case Crime No. 771 of 2025, under Sections 5(Ga), 6 of the POCSO Act, Police Station Kotwali Dehat, District Bulandshahar.

Learned counsel for the applicant argued that the accused-applicant is innocent and he has been falsely implicated in this case crime number. Learned counsel for the applicant further submits that the applicant has neither outraged the modesty of the victim nor misbehaved with the victim. He submits that there is material contradictions in the statement of victim and the version of FIR, which belies the prosecution story. He submits that the aforesaid incident has taken place in the Police Mess where large number of police personnel are remain present even then only one Police Constable Satyaveer Singh has been made witness of the aforesaid incident. He submits that in fact there is no independent eye witness of the alleged incident and the alleged witness has made his statement due to ulterior motive. He submits that from the evidence collected by the Investigating Officer no offence under Section 5(Ga)/6 of POCSO Act is made out against the applicant. He submits that the applicant is aged about 58 years and he is not committed any molestation to the victim. He submits that in the present case, charge-sheet has been filed and the applicant is not required any custodial

interrogation. In the medical report, neither external nor internal injury has been reflected on the body of the victim. The applicant is languishing in jail since 11.10.2025. He submits that the applicant has no criminal antecedent to his credit. He submits that there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, the bail has been prayed for.

Learned AGA has vehemently opposed the prayer of bail, but could not dispute the above submissions raised by learned counsel for the applicant.

Considering all those 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, **Kafeel Ahmad**, 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.

January 28, 2026

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(Ashutosh Srivastava,J.)