



2026:AHC:54967

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 9204 of 2026

Neeraj Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Gaurav Singh Tomar, Jay Bharat Pratap
Counsel for Opposite Party(s) : G.A.

Court No. - 70

HON'BLE SANTOSH RAI, J.

1. Heard learned counsel for the applicant, Shri S.K. Chaudhary, learned AGA for the State-respondent and perused the record.
2. This bail application has been moved on behalf of accused-applicant, **Neeraj Kumar** seeking enlargement on bail in Case Crime No.595 of 2025 under Sections 137(2) and 140(1) BNS, P.S.- Kotwali Orai, District-Jalaun, during pendency of trial.
3. Tersely, as per allegation contained in the FIR, the accused-applicant has kidnapped the minor daughter of the informant aged about four years only.
4. Learned counsel for the applicant submits that he has not committed any offence as alleged in the FIR and due to some verbal dispute between the accused-applicant and the informant, he has been falsely implicated in this case due to ulterior motive. He further submits that the accused-applicant is the neighbour of the informant. Furthermore, the victim was recovered from a public place after two days of the incident on 10.10.2025. In the statements of the victim, aged about four years, recorded under Sections 180 and 183, she stated that Neeraj uncle had taken her away on the pretext of providing something and, after two days of the incident, he left the victim near the railway station. Furthermore, the accused-applicant has no criminal history and is in jail since 15.10.2025. Furthermore, as per submission of learned AGA, chargesheet has already been filed in this case. 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 A.G.A. 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. In case the applicant is released on bail, he will again indulge in similar activities and will misuse the liberty of bail.

6. Having considered the submissions that though the accused-applicant is named in the FIR but in the statements of the victim recorded under Sections 180 and 183, she stated that Neeraj uncle had taken her away on the pretext of providing something and after two days of the incident, he left her near the railway station. The victim was recovered on 10.10.2025. The accused-applicant is said to be the neighbour of the informant. As per submission of learned AGA, chargesheet has already been filed in this case on 22.12.2025 and, thus, there is no reasonable possibility of intimidating and pressurizing the prosecution witnesses. Accused-applicant has no criminal history and is in jail since 15.10.2025 and 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.

(Santosh Rai,J.)

March 18, 2026

Ankit.