



2026:AHC:27541

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 3401 of 2026

Ashish @ Chhotu

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Brajesh Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant, Sri Ajay Kumar Maurya, learned counsel for the informant, learned A.G.A for the State and perused the record.

2. Learned counsel for the applicant has contended that in the year 2023, the victim went away with the applicant wherein the age of the victim was alleged as 15 years in that case, the applicant has been enlarged on bail, copy of the bail order dated 10.11.2023 is annexed as Annexure-8 to the affidavit accompanying the bail application. Learned counsel further argued that now the victim again gone with the applicant on account of which F.I.R., has been lodged of the instant case has been lodged wherein the age of the victim has again described as 15 years. Learned counsel further argued that in fact, the victim has attained the age of majority and she out of her own free will and consent has gone with the applicant. Learned counsel further argued that the victim in her statement recorded under Section 183 of B.N.S.S.,. has specifically stated that the applicant had called her at Balaji temple and had solemnised marriage and physical relations were also established with her consent. It is thus contended that the applicant has been falsely implicated in the present case and therefore the applicant is entitled for bail. 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 applicant is languishing in jail since 13.09.2025.

3. 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. Though learned counsel for the applicant has also opposed the bail prayer of the applicant but he could not dispute the submissions of learned counsel for the applicant.

4. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties, nature of evidence, and all attending facts and circumstances of the case, without expressing any opinion on merits of the case, this Court is of the view that the applicant has made out a case for bail. Hence the bail application is allowed.

5. Let applicant **Ashish @ Chhotu** involved in Case Crime No. 143 of 2025 under Sections 137 (2), 87, 65(1) B.N.S., and Section 3/4(2) of POCSO Act, Police Station Araon, District Firozabad, be released on bail on furnishing a personal bond and two local heavy sureties each of the like amount to the satisfaction of the court concerned subject to 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 an 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 breach of any of the above condition, the trial Court shall be at liberty to cancel the bail of the applicant in accordance with law.

(Dr. Gautam Chowdhary,J.)

February 9, 2026

S.Ali