



2026:AHC:27926

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 3418 of 2026

Karan

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anand Pati Tiwari
Counsel for Opposite Party(s)	:	Akhilesh Kumar, G.A.

Court No. - 65

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Sri Akhilesh Kumar, learned counsel has filed short counter affidavit on behalf of the first informant/victim today in the Court, is taken on record.

2. Heard learned counsel for the applicant, Sri Akhilesh Kumar, learned counsel for the informant, learned A.G.A for the State and perused the record.

3. Learned counsel for the applicant has contended that by the efflux of time, the deponent, who is brother of the applicant, has talked the applicant with regard to solemnisation of his marriage with the victim and that the applicant has stated to him that he is ready to solemnise marriage with the victim. Learned counsel further contended that the applicant and the family of victim including the victim/informant are ready for solemnisation of marriage. Learned counsel thus argued that the applicant may be enlarged on bail. 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 29.11.2025.

4. 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 misuse the liberty of bail.

5. Sri Akhilesh Kumar, learned counsel for the informant did not dispute the submissions advanced by learned counsel for the informant. He further submits that the informant/victim as well as her father have given their affidavit and they did not want to pursue the present case and did not oppose the bail application. He thus submits that he has no objection, in case, the applicant is enlarged on bail.

6. 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.

7. Let applicant **Karan** involved in Case Crime No.441 of 2025 under Sections 376(2)(N) I.P.C., and Section 5J(2)/6 POCSO Act, Police Station Khurja Dehat, District Bulandshahr, be released on bail on furnishing a personal bond and two heavy local 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.

8. 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

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