



2026:AHC:27237

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. BAIL APPLICATION No. - 4397 of 2026**

Sameer

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Manish Kumar Singh,  
Viveka Nand Maurya

Counsel for Opposite Party(s) : G.A.

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**Court No. - 65**

**HON'BLE DR. GAUTAM CHOWDHARY, J.**

1. Sri Ravi Ratan, learned counsel has filed his power on behalf of the informant today in the Court, is taken on record.

2. Heard learned counsel for the applicant, learned A.G.A for the State and perused the record.

3. It has been argued by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case. Learned counsel further submits that according to the High School certificate, the victim is major, which has been reduced in writing in parcha of the case diary, copy of extract of same is annexed as Annexure-7 to the affidavit accompanying the bail application. Learned counsel further submits that the victim had gone with the applicant out of her own free will and consent. He further submits that the victim has not supported the prosecution version as per statement of the victim recorded under Section 180 and 183 of B.N.S.S. He next submits that apart from the fact that the victim is a consenting party, the victim has also refused to undergo for medical examination and therefore, no offence against the applicant is made out. 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 12.12.2024.

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 misuse the liberty of bail. However, learned counsel for the informant did not dispute the submissions advanced by 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 **Sameer** involved in Case Crime No.173 of 2024 under Sections 363, 376 I.P.C., and Section 3/4 of POCSO Act, Police Station Nagra, District Ballia, 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.

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 6, 2026**

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