



2026:AHC:62242

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 1031 of 2026

Radhe

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Manoj Kumar Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. As per the office report dated 10.03.2026, notice of the present application has been served upon the informant through husband.
2. Learned A.G.A. on the basis of instructions submits that notice of the present application has been served upon the informant- opposite party no. 2 and the Child Welfare Committee, Meerut- opposite party no. 3 on 18.01.2026. The receiving endorsements produced by the learned A.G.A. are taken on record. However, no one appears on behalf of the said opposite parties nor any counter affidavit has been filed on their behalf.
3. Heard learned counsel for the applicant and Sri V.P. Tripathi, learned A.G.A. for the State-opposite party.
4. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 260 of 2025, under Sections 137(2), 351(2), 70(2) B.N.S. and 5g/6 POCSO Act, Police Station Daurala, District Meerut during the pendency of the trial.
5. Learned counsel for the applicant submits that the applicant was not named in the first information report and has been falsely implicated in the present case. The incident is alleged to have occurred on 07.08.2025. The first information report was lodged on 18.08.2025. The delay is fatal to the prosecution case. It is next contended that the prosecution story suffers from inherent inconsistencies as the first information report has been lodged on the basis of the information furnished by the victim. As per the first information report, the named accused Viku and an unknown person took

away the victim and when the victim protested, she was threatened. However, the victim in her statements under Sections 180 and 183 B.N.S.S. has materially improved her version and stated that the applicant along with named accused committed rape upon her. It is contended that the said material contradictions between the first information report and the statements of the victim under Sections 180 and 183 B.N.S.S. discredit the prosecution case at this stage. Further, the medical report does not support the prosecution case. No mark of any external or internal injury was seen on the body of the victim. The applicant did not act inappropriately with the victim. At this stage there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 30.09.2025 having no criminal history and if he is released on bail, he will not misuse the said liberty.

6. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

7. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the first information report has been lodged belatedly. The applicant was not named in the first information report. As per the first information report, the named accused Viku and an unknown person enticed and took away the victim, when the victim protested, she was threatened. However, the victim in her statements under Sections 180 and 183 B.N.S.S. has materially improved her version. The material contradictions between the first information report and the statements of the victim under Sections 180 and 183 B.N.S.S. discredit the prosecution case at this stage. Further, the medical report does not support the prosecution case. No mark of any external or internal injury was seen on the body of the victim. At this stage there is no corroborative evidence to link the applicant with the offence. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than five months and after submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant- Radhe, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like

amount to the satisfaction of Court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

March 24, 2026
SKT/-

(Vivek Varma,J.)