



2026:AHC:58176

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 1688 of 2026

Babita Bharti @ Sheela

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Ray Sahab Yadav, Suresh
Kumar Yadav

Counsel for Opposite Party(s) : G.A., Punita Singh

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. As per office report dated 18.2.2026, notice of the present bail application has been personally served upon the opposite party no.4/ informant. However, no one appears on behalf of the opposite party no.4 nor any counter affidavit has been filed on his behalf.

2. Heard learned counsel for the applicant, Sri N.K. Sharma, learned A.G.A. for the State and perused the record.

3. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 732 of 2025, under Sections 70(2), 137(2) B.N.S., and 5G/6 POCSO Act, Police Station- Ramgarhtaal, District- Gorakhpur during pendency of the trial.

4. 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. In the statement of the victim under Section 180 B.N.S.S. also, the applicant was not named. For the first time, the name of the applicant was disclosed by the victim in her statement under Section 183 B.N.S.S. It is contended that the said statement is an afterthought. The

inconsistencies in the statements of the victim under Sections 180 and 183 B.N.S.S. discredits the prosecution case at this stage. The informant in his second statement has also stated that prior enmity exists between her and the applicant. At this stage, there is no corroborative evidence to link the applicant with the offence. The case of the applicant is clearly distinguishable from that of named accused. The applicant is a lady and is in jail since 26.11.2025 having no criminal history. In case she is enlarged on bail, she will not misuse the said liberty.

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

6. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the applicant was not named in the first information report. In the statement of the victim under Section 180 B.N.S.S. also, the applicant was not named. For the first time, the name of the applicant was disclosed by the victim in her statement under Section 183 B.N.S.S. The inconsistencies in the statements of the victim under Sections 180 and 183 B.N.S.S. discredits the prosecution case at this stage. The informant in his second statement has also stated that prior enmity exists between her and the applicant. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant is a lady and had no criminal antecedents. Further the applicant has presently remained confined for more than three months and there is no hope of early conclusion of trial, more so when 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 intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant, **Babita Bharti @ Sheela** involved in the aforesaid case be released on bail on her furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not tamper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

8. 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 20, 2026

S.S.

(Vivek Varma,J.)