



2026:AHC:67345

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 5209 of 2026

Muslim

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Vikrant Gupta
Counsel for Opposite Party(s)	:	G.A., Rashmi Misra

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. As per the office report dated 16.03.2026, notice of the present application has been served upon the informant personally. However, no one appears on behalf of the informant nor any counter affidavit has been filed on his behalf.
2. Heard learned counsel for the applicant, Sri V.P. Tripathi, learned A.G.A. for the State-opposite party, and Ms. Rashmi Mishra, learned counsel for the High Court Legal Services Committee- opposite party no. 4.
3. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 100 of 2025, under Sections 137(2), 87, 64(1) B.N.S. and 3/4 POCSO Act, Police Station Shahbad, District Rampur during the pendency of the trial.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 26.04.2025. The first information report was lodged on 28.04.2025. The delay is fatal to the prosecution case. The victim is major. The age of the victim was incorrectly got registered in the school records by the victim's parents to give her advantage in life. There is no lawful basis for

the age related entry of the victim in the school records disclosing her age and the entries made are unbelievable. It is contended that the victim in her statement under Section 180 B.N.S.S. has stated that she had gone with the applicant to Bareilly and thereafter to Ahmedabad. At Ahmedabad she had married the applicant and stayed there as husband and wife for fifteen days. There is no allegation of any assault against the applicant. However, the victim in her statement under Section 183 B.N.S.S. has stated a contrary version. The inconsistencies in the statements of the victim under Sections 180 and 183 B.N.S.S. discredit the prosecution case at this stage. The applicant is in jail since 14.05.2025 having no criminal history and if he is released on bail, he will not misuse the said liberty.

5. Learned A.G.A. and learned counsel for the opposite party no. 4 have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. 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. There are inconsistencies in the statements of the victim under Sections 180 and 183 B.N.S.S. 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 ten 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.

7. Let the applicant- Muslim, 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.

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 31, 2026

SKT/-

(Vivek Varma,J.)