



2026:AHC:67424

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 5211 of 2026

Anil Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Pradeep Yadav
Counsel for Opposite Party(s)	:	G.A.

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 through heir.
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. 4 on 28.01.2026 and the Child Welfare Committee, Azamgarh- opposite party no. 3 on 31.01.2026 respectively. 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 Rupak Chaubey, 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. 113 of 2025, under Sections 137(2), 87, 64(1) B.N.S. and 3/4 POCSO Act, Police Station Atrauliya, District Azamgarh during the pendency of the trial.
5. 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 03.04.2025. The first information

report was lodged on 06.04.2025. The delay is fatal to the prosecution case. The victim in her statement under Section 180 B.N.S.S. has stated that she is aged 19 years. However, in her statement under Section 183 B.N.S.S. she has stated that she is aged 18 years and had left her house voluntarily with the applicant and gone to Punjab and at Punjab she had married the applicant and lived as husband and wife. There is no allegation of forceful assault against the applicant. At this stage there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 11.12.2025 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 victim in her statement under Section 180 B.N.S.S. has stated that she is aged 19 years. In her statement under Section 183 B.N.S.S. the victim has stated that she is aged 18 years, she had left her house voluntarily with the applicant and gone to Punjab and at Punjab she had married the applicant and lived as husband and wife. There is no allegation of forceful assault against the applicant. 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 three 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- Anil Kumar, 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 31, 2026
SKT/-

(Vivek Varma,J.)