



2026:AHC:64143

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 991 of 2026

Monu Khan

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mohd. Saleem
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, service report is awaited.
2. Learned Brief Holder for the State 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, Ghaziabad- opposite party no. 4 on 31.12.2025. 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 Anupam Anand, learned Brief Holder 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. 290 of 2025, under Sections 64, 308(5), 351(3) B.N.S. and 3/4 POCSO Act, Police Station Muradnagar, District Ghaziabad 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 first information report has been lodged belatedly. The victim is

major. She refused to undergo for medical examination. In her statements under Sections 180 and 183 B.N.S.S. the victim has stated that she is aged 19 years and had established relations with the applicant voluntarily. There is no allegation of any forceful assault against the applicant. At this stage there is no corroborative evidence to link the applicant with the offence. It is next contended that co-accused Aamir Khan has been granted bail by this Court vide order dated 06.11.2025 passed in Criminal Misc. Bail Application No. 37674 of 2025, Aamir Khan v. State of U.P. The applicant is in jail since 18.06.2025 having no criminal history and if he is released on bail, he will not misuse the said liberty.

6. Learned Brief Holder for the State 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 refused to undergo for medical examination. In her statements under Sections 180 and 183 B.N.S.S. the victim has stated that she is aged 19 years and had established relations with the applicant voluntarily. There is no allegation of any forceful assault against the applicant. At this stage there is no corroborative evidence to link the applicant with the offence. Co-accused Aamir Khan has been granted bail by this Court. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than nine 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- Monu Khan, 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.)