



2026:ABC:9097

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 41717 of 2025

Musabbir

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Bairister Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Supplementary affidavit filed today is taken on record.

Heard Shri Bairister Singh, learned counsel for the applicant, Shri Vivek Singh, learned counsel, who has put in appearance on behalf of first informant and Shri Arimardan Yadav, learned AGA for the State-respondents and perused the record.

This bail application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023, has been moved on behalf of accused-applicant, Musabbir, seeking enlargement on bail in Case Crime No. 295 of 2025 under Sections 115 (2), 351 (3), 352 B.N.S. and 3/4 of POCSO Act, Police Station Nakud, District-Saharanpur.

Learned counsel for the applicant argued that the accused-applicant is innocent. He has been falsely implicated in this very case crime number. The applicant is languishing in jail since 29.08.2025. First Information Report has been lodged on 17.08.2025 with the allegation that the applicant has committed unnatural sex with the nephew of the informant on the point of knife. Learned counsel for the applicant after arguing at some length submits that the first informant has declared hostile. Learned counsel for the applicant submits that in the present case charge sheet has been filed on 12.09.2025. The applicant has no criminal antecedent and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

Learned AGA has vehemently opposed, but could not dispute the aforesaid facts.

Considering all those facts and circumstances, the nature of accusations, severity of the punishment in the case of conviction and nature of supporting evidence, reasonable apprehension of tampering with the witness and prima facie case, but without commenting on merit of case, a

case for bail is made out.

Accordingly, the bail application is allowed.

Let the accused-applicant, ***Musabbir***, involved in above mentioned case crime number be released on bail, on his executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

1. The applicant will not tamper with the evidence.
2. The applicant will not indulge in any criminal activity.
3. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
4. The applicant will appear regularly on each and every date fixed by the trial court, unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

(Ashutosh Srivastava,J.)

January 14, 2026

Deepak/