



2026:AHC:127082

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 17613 of 2026

Sudhanshu Shakya

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Vinit Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 6

HON'BLE MRS. VANI RANJAN AGRAWAL, J.

1. Heard Mr. Vinit Mishra, learned counsel for the applicant, learned AGA for the State and perused the record. Despite service of notice, none has appeared on behalf of informant.
2. The instant bail application has been filed on behalf of the applicant with a prayer to release him on bail in Case Crime No.0018 of 2026, under Sections 64(1), 351(2) BNS and Section 3/4 POCSO Act, Police Station Airwakra, District Auraiya.
3. It is contended by the learned counsel for the applicant that the applicant has been falsely implicated in the present case due to ulterior motives. The applicant has not committed any offence as alleged in the impugned FIR. The alleged incident is stated to have been occurred on 28.01.2026 at about 20.30 hours whereas the impugned FIR has been lodged after due deliberation and consultation on 16.02.2026 i.e. 18 days delayed for which no plausible explanation has been mentioned. Learned counsel further submits that the victim is already married and as per medical examination report of the victim, she is aged about 18 years. According to the medical examination report, no internal or external injury found on the body of the victim. As per school certificate, the date of birth of the victim is mentioned as 05.06.2008 meaning thereby the victim was aged about 17 years 6 months at the time of alleged incident. Learned counsel further submits that during investigation, no photographs or obscene video has been recovered from the possession or pointing out of the applicant. He further submits that as per statement recorded under Sections 180 and 183 BNSS, there are material

contradictions in the statement of the victim.

4. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have also been placed forth before the Court. The circumstances which, according to the counsel, led to the false implication of the accused has also been touched upon at length. It has been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required. It has also been submitted that the applicant is having no previous criminal history and is languishing in jail since 27.02.2026.

5. Learned A.G.A. vehemently opposed the prayer for bail of the applicant but could not dispute the contention raised by learned counsel for the applicant.

6. Considering the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tempering of the witnesses and prima facie satisfaction of the Court in support of the charge, the applicant is entitled to be released on bail in this case.

7. Let the applicant-**Sudhanshu Shakya**, involved in the aforementioned case crime be released on bail on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicant shall remain present, in person, before the trial court on the dates

fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. In case of breach of any of the above conditions, the trial court will be at liberty to cancel the bail.

9. It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

June 12, 2026
Ajeet

(Mrs. Vani Ranjan Agrawal,J.)