



2026:AHC:124276

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 17669 of 2026

Kamal

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Vishvajit Tiwari, Vivek Kumar Singh,
Yogesh Mishra
Counsel for Opposite Party(s) : G.A.

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Yogesh Mishra, learned counsel for the applicant, Sri Anand Pratap Singh, learned A.G.A. for the State. However, no one appeared on behalf of the first informant, despite service of notice on 14.05.2026 by the police.
2. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No. 604 of 2025, under Sections 137(2), 87, 65(1), 127(4) BNS and Section 5/6 of POCSO Act, Police Station- Kasganj, District Kasganj.
3. Contention of learned counsel for the applicant is that the applicant was not named in the FIR, wherein allegations have been made against co-accused Sajjan Kumar. During investigation, it was found that actually deceased was in relationship with one Ajay. Subsequently the applicant has been falsely implicated merely because he is a friend of co-accused Sajjan Kumar and also the applicant kept the victim at his home when she tried to commit suicide. It is further stated that the victim, in her statement, recorded under Section 180 BNSS made specific allegation that her uncle (the first informant) when came to know about her relationship with Ajay, he reprimanded as well as beaten her. Thereafter, she left her house to commit suicide but the present applicant saved her and took her to his house, therefore, the applicant has not committed any wrong. However when the victim came into custody of her parents, then

on tutoring by the first informant, she also made allegations against the applicant regarding wrong doing (appears to be raped) but medical report does not support the aforesaid allegations of rape. The applicant has been falsely implicated. It is lastly submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. The applicant has no criminal history and he is languishing in jail since 11.09.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. On the other hand, learned A.G.A. for the State opposed the prayer for bail but could not dispute the aforesaid fact.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is allowed.

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

- i. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
- ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

7. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

8. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

9. Verification of mobile number as well as Aadhaar Card of the applicant and sureties should also be conducted by the court concerned.

10. It is directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

11. Office is directed to send a copy of this order to the applicant through **Kasganj Jail Superintendent** via e-mail or e-prison portal and Trial Court via e-mode within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No. 4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685** as well as **Pila Pahan @ Peela Pahan and others vs. State of Jharkhand and another in Writ Petition (Criminal) No. 169 of 2025 decided on 29.05.2026**.

12. Application, if any, stands disposed of.

(Arun Kumar Singh Deshwal,J.)

June 1, 2026

A.Kr.