



2026:AHC:125949

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 18815 of 2026

Rajendra

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

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

Court No. - 5

HON'BLE JITENDRA KUMAR SINHA, J.

1. Parcha filed by Ms. Rishu Mishra, learned counsel from High Court Legal Services Committee is taken on record.
2. Heard Sri Nagendra Kumar Singh, learned counsel for the applicant, Rishu Mishra, learned counsel for opposite party no.2, Sri BP Singh, learned A.G.A. for the State and perused the record.
3. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 109 of 2026 under Sections 137(2), 64(1) BNS and 3/4 POCSO Act, Police Station Dataganj, District Budaun during the pendency of the trial.
4. At the very outset, learned AGA submits that notice has been served upon the first informant.
5. Learned counsel for the applicant has submitted that the victim has not supported the allegations of FIR and she has stated in her statement recorded under section 180 BNSS that she is aged about 19 years and she is in love with the applicant whereas in her statement recorded under section 183 BNSS, she has stated that applicant is not known to her and she has not stated anything against the applicant in both the statements. The applicant has been languishing in jail since 15.4.2026 and in case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

6. On the other hand, learned counsel representing the High Court Legal Services Committee as well as learned A.G.A. opposed the prayer for bail and submit that victim is aged about 17 years.

7. As per the FIR, applicant is said to have enticed away the daughter of the first informant, however, the victim has been recovered and she has not stated anything against the applicant in her statements recorded under sections 180 and 183 BNSS.

8. 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 the 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.

9. Accordingly, the present application is **ALLOWED**.

10. Let the applicant **Rajendra** 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.

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

12. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

13. It is further 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.

14. Office is directed to send a copy of this order to the applicant through **concerned Jail Superintendent** via e-mail or e-prison portal 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.

(Jitendra Kumar Sinha,J.)

June 5, 2026
Madhurima