



2026:AHC:124285

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 18887 of 2026

Indrajeet Saini

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Ashwani Tripathi, Ramanuj Tripathi
Counsel for Opposite Party(s) : G.A.

Court No. - 5

HON'BLE JITENDRA KUMAR SINHA, J.

1. Short counter affidavit filed by the learned counsel for the first informant is taken on record. Supplementary affidavit filed by the learned counsel for the applicant is also taken on record.
2. Heard Sri Ashwani Tripathi, learned counsel for the applicant and Sri Uma Shanker Mishra, learned A.G.A. for the State and Sri Ashutosh Tiwari, learned counsel for the first informant 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. 163 of 2026, under Sections 64(1) BNS and Section 5(j)(2)/6 of POCSO Act, Police Station Quarshi, District Aligarh, during the pendency of the trial.
4. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case though there is no incriminating material against him. It is further submitted that the victim has not stated anything against the applicant in her statement recorded under Section 183 BNSS and she has stated that she was in love affair with the applicant and physical relationship was established by the applicant on her consent. The applicant has been languishing in jail since 21.2.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.
5. Per contra, learned counsel for the first informant has vehemently opposed the prayer for bail but could not dispute the aforesaid facts,

however, it is submitted that the victim as per applicant is 17 years, however, her actual age is 19 years and in this regard affidavit has been filed along with short counter affidavit.

6. Learned A.G.A. has also vehemently opposed the prayer for bail.

7. As per FIR, the applicant is said to have enticed away the daughter of the first informant aged about 17 years, however, the victim has been recovered and she has not stated anything against the applicant and in the short counter affidavit, an affidavit has been filed stating therein that the actual age of the victim is 19 years.

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- **Indrajeet Saini** 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 1, 2026

Abhishek