



2026:AHC:124303

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 18905 of 2026

Mohd. Yasin @ Asin Ali

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	: Anoop Kumar Mishra, Pintu Kumar Bhartiya, Pradhumn Kumar Pandey
Counsel for Opposite Party(s)	: G.A.

Court No. - 5

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri P.K. Pandey, learned counsel for the applicant and Sri G.P. Singh, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 362 of 2025, under Sections 70(2), 137(2), 351(3), 352 BNS and Section 5G/6 of POCSO Act, Police Station Geeda, District Gorakhpur, during the pendency of the trial.
3. At the very outset, learned AGA submits that notice has been served on the first informant.
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 co-accused Avinash Nishad has already been granted bail by a co-ordinate Bench of this Court and the role of the applicant is not distinguishable from the role of above co-accused. It is submitted that as per FIR the daughter of the first informant is said to have enticed away by co-accused Raj on 30.6.2026 and the victim has been recovered after four months and the victim in her statement recorded under Section 183 BNSS has stated that she was enticed away by the applicant and two other co-accused, namely, Raj and Avinash and they committed rape on her in a jungle. The applicant has been languishing in jail since 27.4.2026. 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 A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.
6. As per FIR, the daughter of the first informant is said to have been enticed

away by co-accused Raj and the victim has been recovered after four months and she has stated that she was enticed away by the applicant and co-accused Raj and Avinash and they forced her to drink wine and committed rape on her and she has further stated that she stayed in the house of one Haider for four months and she was not subjected to any kind of sexual assault, therefore, there appears to be some material contradictions in her statement recorded under Sections 180 BNSS and version of the first informant. Co-accused Avinash Nishad has already been granted bail by a co-ordinate Bench of this Court and the role of the applicant is not distinguishable from the role of above co-accused.

7. 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.

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

9. Let the applicant- **Mohd. Yasin @ Asin Ali** 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.

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

cancellation of bail.

11. 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.

12. 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.

13. 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.

June 1, 2026
Abhishek

(Jitendra Kumar Sinha,J.)