



2026:AHC:124563

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19094 of 2026

Anuj Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

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

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Surendra Mohan Mishra, learned counsel for the applicant, Sri Himanshu Kumar However, learned A.G.A. for the State and perused the record. However, no one appeared on behalf of the first informant despite service of notice on 25.05.2026 by the concerned I.O.
2. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No. 65 of 2026, under Sections 137(2), 87, 64(2) BNS and 5L/6 POCSO Act, Police Station-Shohratgarh, District Siddharth Nagar.
3. Contention of learned counsel for the applicant is that the applicant was not named in the FIR wherein allegation has been made that the victim herself left her house. Thereafter, on recovery of victim, her statement was recorded under Sections 180 and 183 BNSS wherein she clearly stated that she herself left her house as she was in love affair with the applicant. Subsequently, she got married with the applicant and started living with him as wife. He further submitted that from perusal of medical examination of victim, it is clear that she was not subjected to rape and it was simply a case of love affair and the victim left her house and thereafter returned back. It is further submitted that as per ossification test, she is aged about 19 years old and there is no reliable school birth certificate to contradict this fact. It is lastly submitted that the applicant has no criminal history and he is languishing in jail since 23.04.2026. 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- **Anuj Kumar** 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 **Siddharth Nagar Jail Superintendent** via e-mail or e-prison portal and Trial Court via e-mode within 24 hours in compliance of the orders 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 in the case of **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 2, 2026
A.Kr.