



2026:AHC:125095

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19185 of 2026

Qadir

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sandeep Kumar Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Vakalatnama filed by Sri Amit Kumar Srivastava, Advocate, on behalf of the first informant today, is taken on record.
2. Heard Sri Sandeep Kumar Srivastava, learned counsel for the applicant, Sri Amit Kumar Srivastava, learned counsel for the first informant, Sri Roshan Kumar 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 during the trial in Case Crime No.87 of 2026, under Sections 137(2), 65(1) B.N.S., Section 5L/6 POCSO (Protection of Children From Sexual Offence) Act, and Section 3(2)V Scheduled Castes & Scheduled Tribes Act, Police Station-Saidnagli, District-J.P.Nagar(Amroha).
4. Contention of the counsel for the applicant is that in the FIR, allegation has been made that the applicant has enticed away the daughter of the first informant (the victim), however, the victim in her statement recorded under Sections 180 and 183 BNSS clearly stated that she herself left her house and started living with applicant as she was in relationship with the applicant for the last one and half year and applicant has not committed any wrong with her. It is further submitted though as per the High School Mark-sheet of the victim on the date of incident, her age was 16 years and 2 months, however, as per the ossification test report, the age of the victim is opined as '17-18' years. It is further submitted that the applicant has explained the criminal history of one case. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation.

The applicant is a law abiding citizen and he is languishing in jail since 31.03.2026. In case the applicant 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. as well as learned counsel for the first informant has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

6. 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 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 bail application is **allowed**.

7. Let the applicant- **Qadir** 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.

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

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

10. It is made clear that the applicant shall be released on the basis of

computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

11. 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.

12. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or on 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.

(Arun Kumar Singh Deshwal,J.)

June 3, 2026

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