



2026:AHC:124951

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19203 of 2026

Anshu @ Ashutosh

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

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

Court No. - 5

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Arvind Singh, learned counsel for the applicant and Sri Surendra 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. 259 of 2022, under Sections 376A.B., 504, 506 IPC and Sections 5M, 5N/6 of POCSO Act, Police Station Robertsganj, District Sonbhadra, 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 the applicant was also juvenile on the date of commission of the offence and his bail was rejected by the learned Juvenile Justice Board against which he preferred an appeal, which was also rejected by the learned Sessions Judge and thereafter he filed a criminal revision before this Court which was also rejected, however, the applicant has attained majority and now he is major and he moved an application for grant of regular bail which has been rejected by the learned Sessions Court. It is further submitted that the applicant has been languishing in jail/juvenile shelter home for the last four years and the trial is not likely to be concluded in near future. It is further submitted that the victim has already been examined and the victim in her cross-examination has stated that prior to the lodging of the

FIR a quarrel had taken place between the family members of the applicant and the victim and she further stated that she had given testimony in the Court on asking of her mother. Learned counsel for the applicant submits that in view of the above the statement of the victim is not a free statement and is tainted with tutoring. It is further submitted that the doctor has not given any specific opinion regarding commission of offence of rape or penetrative assault on the victim in medico-legal report. 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, however, it is submitted that allegations against the applicant is very serious and he has been refused bail by the Juvenile Justice Board and the appeal preferred has been rejected by the learned Sessions Judge and also the criminal revision by this Court. The victim in her cross-examination has stated that prior to the lodging of the FIR a quarrel had taken place between the family members of the applicant and the victim and the victim has stated that she was testified before the trial Court on the asking of her mother.

6. As per FIR, the applicant is said to have committed penetrative assault on the victim aged about 7 years in the year 2022. The applicant was juvenile on the date of commission of offence and his bail was rejected by the learned Juvenile Justice Board and an appeal was preferred by the applicant, which was rejected by the learned Sessions Judge against which he filed a criminal revision before this Court which was also rejected, however, the applicant has attained majority and now he is major and he moved an application for grant of regular bail which has been rejected by the learned Sessions Court. The applicant has been languishing in jail/juvenile shelter home for the last four years and the trial is not likely to be concluded in near future. The doctor has not given any specific opinion regarding commission of offence of rape or penetrative assault on the victim on radio-logical report.

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- **Anshu @ Ashutosh** 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.

(Jitendra Kumar Sinha,J.)

June 3, 2026

Abhishek