



2026:AHC:64260

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 37165 of 2025

Pawan Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Krishna Dwivedi, Manoj Kumar
Dubey, Rajendra Kumar Pandey
Counsel for Opposite Party(s) : G.A., Harish Chandra

Court No. - 65
(Sr. No.118 out of 268)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Mukesh Kumar Upadhyay, Advocate holding brief of Sri Manoj Kumar Dubey, learned counsel for applicant, Sri Harish Chandra, learned counsel for the informant, Sri Arun Kumar Mishra, learned A.G.A. for the State and perused the material placed on record.
3. The present bail application has been filed by the applicant in Case Crime No.417 of 2025, under Sections 137(2), 64(2), 351(2), 123 B.N.S. and 5(L)/6 POCSO Act, Police Station Loni Border, District Ghaziabad with the prayer to enlarge him on bail.
4. As per prosecution story, the applicant is stated to have made certain indecent video of the daughter of the informant and had kept on establishing corporeal relationship with her by threatening to make it viral on social media.
5. Learned counsel for the applicant has stated that the allegations are per se false. There is no forensic laboratory report to indicate that the said video and photographs were indecent, as such, the applicant is entitled to bail. There is no criminal history of the applicant. The applicant is in jail since 5.7.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Per contra, learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application on the ground that there is recovery of indecent video and photographs from the gallery of the mobile of applicant at the time of his arrest, as such, the allegations made in the FIR stand corroborated. Therefore, the applicant is not entitled to bail.

7. After hearing learned counsel for the parties and taking into consideration the fact that there is recovery of indecent video and photographs from the gallery of the mobile of applicant at the time of his arrest, I do not find it a fit case for grant of bail to the applicant. The bail application is found devoid of merits and is, accordingly, ***rejected***.

8. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously in view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of ***Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220*** and ***Hussain and Another vs. Union of India; (2017) 5 SCC 702***, if there is no legal impediment.

9. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Krishan Pahal,J.)

March 25, 2026

Vikas Verma