



2026:AHC:128810

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 16113 of 2026

Sherpal

.....Applicant(s)

Versus

State Of U.P. And 4 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Ram Raj Pandey, Shubham Pandey
Counsel for Opposite Party(s) : G.A., Shashi Kumar Tiwari, Sudhanshu
Srivastava

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicant and the learned A.G.A. for the State of U.P.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.52 of 2026, under Sections 74, 351(2), 127(4), 137(2), 64(1) BNS and Section 5L/6 POCSO Act, Police Station Pahasu, District Bulandshahar.
3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present case. It is further contended that the alleged incident had taken place between 22.07.2025 to 23.07.2025 whereas the first information report was lodged after more than 7 months on 06.03.2026 by the mother of the applicant; no plausible explanation in respect of inordinate delay has been given in the FIR; the prosecution case is that the victim was about 17 years and 6 months on the date of alleged incident inasmuch as her date of birth is 01.01.2008. It is further contended that the marriage between the applicant and victim was solemnized on 14.03.2026, copy of the marriage certificate has been appended at page 26 of the bail application. The victim stated in her statement recorded under Section 183 BNSS that she was about 17 years of age and she was caught by her mother and aunt and thereafter she was brutally beaten by them; she left her house and joined the applicant; the applicant and the victim lived together in NOIDA for 5 days in a rented accommodation as husband and wife; physical relationship between them was established with the consent of

the victim; the applicant and the victim lived together in NOIDA for a period of 8 months. It is further contended by the learned counsel for the applicant that the victim was a major girl and she was a consenting party; the marriage was solemnized between them and they lived together for a period of 8 months and no hue and cry was made by her during this period; she did not try to run away from the house of the applicant. It is further contended that the victim refused to get herself medically examined, therefore, no injury was found on the body of the victim. Criminal history of the applicant has been well explained in paragraph no. 6 of the supplementary affidavit. Learned counsel for applicant lastly contended that the applicant has been languishing in jail since 04.04.2026 and in case, he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

4. Per contra, learned A.G.A. has opposed the prayer for grant of bail to the applicant and submitted that there is ample evidence against the applicant regarding his involvement in the offence, therefore, he is not entitled to be released on bail.

5. Having considered the rival submissions advanced by learned counsel for the parties, the nature of accusations, the evidence brought on record, the period of incarceration undergone by the applicant, explanation of criminal antecedents, and without expressing any opinion on the merits of the case, this Court finds that the applicant has made out a case for grant of bail.

6. Accordingly, the bail application is **allowed**.

7. Let the applicant- Sheralpal, who is involved in the aforementioned case 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the Trial Court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A IPC/ 269 B.N.S.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C./ 84 B.N.S.S., may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the Trial Court shall initiate proceedings against him, in accordance with law, under Section 174-A IPC/ 209 B.N.S.

(iv) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C./ 351 of B.N.S.S. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

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

9. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Vivek Kumar Singh,J.)

June 23, 2026

Nitendra