



2026:AHC:128951

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 19114 of 2026

Kasim

.....Applicant(s)

Versus

State Of U.P. And 4 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mohd. Ashraf
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Sri Hasan Parvez, Advocate holding brief of Sri Mohd. Ashraf, learned counsel for the applicant, the learned A.G.A. for the State of U.P. and perused the record.
2. Despite service of notice, no one appeared on behalf of the opposite party no.5/ first informant to contest the present bail application.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.42 of 2026, under Section 137(2), 64(1) of BNS and Section 3/4 POCSO Act, Police Station- Shergarh, District- Bareilly.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The alleged incident is stated to have occurred on 22.02.2026 at about 16:00 hours, whereas the FIR was lodged on 23.02.2026 at 15:31 hours. The applicant has been nominated in the FIR, and it is alleged therein that the victim was enticed away by him. The victim was recovered by the police on 23.02.2026, and her statement under Section 180 BNSS was recorded. In the said statement, she stated that she had left her house on 22.02.2026 as her parents had scolded her. She further stated that she left her house in anger and went to the house of her aunt, Reshma. Upon being questioned as to whether she had been enticed away by the applicant, the victim stated that the applicant had no role in the matter and that no misdeed had been committed against her. It is further submitted that the statement of the victim was recorded under Section 183 BNSS on 25.02.2026, wherein she

changed her earlier version and stated that she was subjected to rape by the applicant. It is further contended that the victim gave her statement under Section 183 BNSS under pressure of her parents, and therefore, a false story was introduced by her. No external injury was noticed on the body of the victim. However, redness was found on the hymen. The applicant has no criminal history to his credit. It is further submitted that applicant has been languishing in jail since 07.03.2026 and in case, he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

5. 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.

6. 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, the absence of any 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.

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

8. Let the applicant- **Kasim**, 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.

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

10. 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 24, 2026

Radhika