



2026:AHC:128833

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 16631 of 2026

Mandeep @ Pradeep

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Vijay Prakash Chaturvedi
Counsel for Opposite Party(s)	:	G.A.

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. Based on the police report, learned A.G.A. submits that notice regarding the pendency of the bail application has been served upon the first informant/opposite party no. 2. Despite service of notice, no one has appeared on behalf of opposite party no. 2 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.89 of 2025, under Sections 137(2), 87, 65(1) B.N.S. and Section 5/6 of POCSO Act, Police Station- Lotan, District- Siddharth Nagar.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to an ulterior motive. As per the age certificate issued by the Chief Medical Officer concerned on 13.11.2025, the victim was above 19 years of age. It is further submitted that the victim was a major girl. As per her statements recorded under Sections 180 and 183 BNSS, no criminal offence whatsoever is made out against the applicant. She stated during the course of investigation that she had been in love with the applicant for the last three years and that she left her house of her own free will on 25.07.2025 and travelled to Mumbai with the applicant. Thereafter, their marriage was solemnized in a temple, and they started living together as husband

and wife. The victim further deposed that she had left her house of her own free will since her family members were fixing her marriage with another boy. It is further contended that the victim was a consenting party. The applicant and the victim lived in Mumbai for a period of three months, but no hue and cry was raised by her during this period. The applicant has a criminal history of one case to his credit, which has been duly explained in paragraph no. 17 of the affidavit filed in support of the bail application. It is further submitted that the applicant has been languishing in jail since 05.11.2025 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, explanation of criminal antecedent, 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- **Mandeep @ Pradeep**, 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 23, 2026

Radhika