



2026:AHC:129497

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 7839 of 2026

Krishna Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Dharendra Kumar Srivastava, Raju
Kanaujia, Vijay Chandra
Counsel for Opposite Party(s) : G.A.

Court No. - 69

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard learned counsel for the applicant, 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. 16 of 2026, under Sections 143(5) BNS, Police Station- Mugalsarai, District- Chandauli, during the pendency of the trial.
3. Learned counsel for the applicant contends that the allegation against the applicant is that he was taking six children for the purpose of employing them in an ice cream factory and has, on that basis, been alleged to be a human trafficker. Learned counsel for the applicant contends that a charge sheet has been filed against the applicant. However, during the course of investigation, neither the statements of the minor children, who are supposed to have been trafficked by the applicant, nor those of their parents/guardians have been recorded. It is further submitted that there is no material on record to indicate that the applicant was indulging in human trafficking or child labour. The applicant has no criminal antecedents.
4. Learned A.G.A. has opposed the prayer for bail and contended that the police have recorded the statement of the Project Director, Smt. Chanda Gupta, of 'Operation Aahat', which was instrumental in rescuing the minor children. According to her statement, the children were being trafficked and were being taken to Gujarat for employment in an ice

cream factory. Learned A.G.A., however, could not dispute the fact that the statements of the minor children and their parents/guardians under Sections 180 and 183 of the BNSS have not been recorded till date, nor have they been shown as witnesses in the charge sheet. It is, however, submitted that railway tickets were recovered from the possession of the applicant, which indicate that the applicant had custody of the minor children and was taking them to Gujarat for the purpose of employment, thereby prima facie indicating his involvement in the alleged offence.

5. I have considered the submissions made by the learned counsel for the parties.

6. The applicant is stated to be in jail since 13.01.2026. A charge sheet has also been submitted. A perusal of the charge sheet indicates that none of the minor children, who are alleged to have been trafficked, have been shown as prosecution witnesses. Their statements under Sections 180 and 183 of the BNSS have also not been recorded. The failure of the police to record the statements of the alleged victims constitutes a significant lapse in the investigation and damages the prosecution case. The applicant has no criminal antecedents, and the trial is not likely to conclude in the near future.

7. Taking into account the entire facts and circumstances of the case, the period of detention of the applicant as well as his lack of criminal antecedents, a prima facie case for bail is made out.

8. The bail application is allowed.

9. Let the applicant - **Krishna Kumar**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two reliable sureties each in the like amount, to the satisfaction of the Court concerned, subject to the following conditions:

- i. The applicant will not tamper with the evidence.
- ii. The applicant will not indulge in any criminal activity.
- iii. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
- iv. The applicant will appear regularly on each and every date fixed by the

trial Court, unless his personal appearance is exempted by the Court concerned.

10. In the event of breach of any of the aforesaid conditions, the trial Court will be at liberty to proceed to cancel his/her bail.

11. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

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. The observations made hereinabove are exclusively for deciding the instant bail application and shall not be construed as an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

June 29, 2026
Kushal