



2026:AHC:124989

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19274 of 2026

Yogesh Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ashish Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Vakalatnama filed by Sri Ajendra Kumar, Advocate on behalf of the first informant in the Court today is taken on record.
2. Heard Sri Rajesh Kumar Vishwakarma, Advocate holding brief of Sri Ashish Kumar, learned counsel for the applicant, Sri Anand Mohan, Advocate holding brief of Sri Ajendra Kumar, learned counsel for the first informant, learned A.G.A. for the State and perused the record.
3. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. bail in Case Crime No. 0173 of 2025, under Section 137(2), 64(1), 352, 351(2) of B.N.S. and Section 3/4 of Protection of Children from Sexual Offences Act, Police Station- Nidhauri Kala, District- Etah, during the pendency of the trial.
4. Contention of learned counsel for the applicant is that in the FIR, allegation has been made against the applicant that he has enticed away the minor daughter of the first informant aged about 17 years. Subsequently, the statement of the victim was recorded under Section 180 of the B.N.S.S., in which she stated that she herself left her house after being scolded by her parents and that she did not know the present applicant, and after some time she returned back to her house. Thereafter, the victim girl, in her statement recorded under Section 183 of the B.N.S.S., again stated that she left the house on her own, but that she was in a relationship with the present applicant for the last one and a half years, and she has also stated that the applicant has not committed any

wrong upon her. It is further submitted that though, as per the school leaving certificate of the victim of Class IV, the victim was aged about 17 years and one month on the date of the incident, however, as per the ossification test report, the age of the victim was about 18-19 years. Therefore, the victim was major at the time of leaving her home and the applicant has been falsely implicated in the present case. It is further submitted that the applicant has no criminal history. It is further submitted that charge-sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law-abiding citizen and he is languishing in jail since 05.04.2026. In case he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned counsel for the first informant as well as learned A.G.A. for the State have vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Yogesh Kumar**, involved in the aforementioned 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, with the following conditions:-

i. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as

to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

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

9. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

10. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. 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.

12. Office is directed to send a copy of this order to the applicant through **Jail Superintendent, Etah** via e-mail or on e-prison portal and Trial Court via e-mode within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685** as well as **Pila Pahan@Peela Pahan and others Vs. State of Jharkhand and another, in Writ Petition (Criminal) No. 169 of 2025**, decided on **29.05.2026**.

(Arun Kumar Singh Deshwal,J.)

June 3, 2026
SA