



2026:AHC:124997

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19293 of 2026

Chanchal Prajapati

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rakesh Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Rakesh Yadav, learned counsel for the applicant, Sri Anurag Pandey, 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. 674 of 2025, under Sections 64(1), 87, 316(2) of BNS, Police Station-Cantt, District-Gorakhpur, during the pendency of the trial.
3. Contention of learned counsel for the applicant is that in the FIR, allegation has been made that the victim, who was in touch with the applicant, might have been enticed away by him. Subsequently, when the victim returned back, her statement was recorded under Section 180 of the BNSS, wherein she clearly stated that she herself had left her house after being scolded by her parents and, after leaving her house, remained staying with her friend. However, in her statement recorded under Section 183 of the BNSS, she stated that she was blackmailed by the applicant on the basis of her private photographs and, for that reason, she accompanied the applicant and remained staying in Mumbai, and subsequently returned back.
4. It is further submitted that the victim refused to undergo medical examination and there are serious contradictions in her statements recorded under Sections 180 and 183 of the BNSS, which show that the statement recorded under Section 183 of the BNSS was made on account of tutoring by her parents. It is further submitted that the victim is a major

and had herself left her house and was a consenting party, and no wrong was committed by the applicant against her, yet the applicant has been falsely implicated in the present case. It is submitted by learned counsel for the applicant that the applicant has no criminal history. It is further submitted that charge-sheet has been filed in the present case and, therefore, there is no requirement for custodial interrogation of the applicant. The applicant is a law-abiding citizen and is languishing in jail since 07.04.2026. In case he is granted bail, he will not misuse the liberty of bail and shall cooperate in the trial proceedings.

5. Per contra, learned A.G.A. has 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- **Chanchal Prajapati**, 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, Gorakhpur** 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