



2026:AHC:125527

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19445 of 2026

Vishal Ray

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Kamlesh Kumar Singh, Vivek
Kushwaha
Counsel for Opposite Party(s) : G.A.

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. No one appeared on behalf of the first informant despite service of notice dated 17.05.2026.
2. Heard Sri Nagendra Kumar Singh, learned counsel for the applicant, Sri Roshan Kumar Singh, 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 during the trial in Case Crime No. 55 of 2026, under sections 137(2), 87, 351(2), 352, 64(2)(m), 142 of B.N.S. and section 5(1)/6 of POCSO Act, Police Station- Sakaldiha, District-Chandauli.
4. Contention of learned counsel for the applicant is that as per the prosecution story, the daughter of the first informant was enticed away by the applicant; subsequently, the victim after returning to house recorded her statement under Section 180 and 183 BNSS, wherein she stated that she was in relationship with the present applicant and she left the house out of her own free will and she stayed along with the applicant at several places but they could not get job, therefore, she returned back to her house; thereafter an FIR was lodged but no allegation was made against the applicant, even then the applicant has been falsely implicated. Merely because she was in love affair with the applicant, the applicant has been falsely roped in the present case. It is further submitted that the applicant is 22 years old and the victim is 16 years old as per her High-School

Mark-sheet. He further submitted that medical examination of the victim does not support any kind of sexual violence. Applicant has no criminal history. The applicant is in jail since 21.03.2026. He further submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. In case the applicant is released on bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. On the other hand, learned A.G.A. for the State opposed the prayer for bail but could not dispute the aforesaid fact.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and also keeping in view the nature of offence, evidence, complicity of the accused and also 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** 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 bail application is **allowed**.

7. Let the applicant- **Vishal Ray** 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. It is made clear that the applicant shall be released on the basis of downloaded copy of this order 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.

11. It is 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 concerned Jail Superintendent 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 4, 2026

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