



2026:AHC:129128

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 18050 of 2026

Ajay @ Ajju

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Aditya Mishra, Jai Raj
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Devidayal Tiwari (A/D 1829/2024) holding brief of Sri Jai Raj, learned counsel for the applicant as well as Sri Vinay Kumar Pandey, learned AGA for the State/opposite party no.1.

2. Sri Vinay Kumar Pandey, learned AGA for the State has made a statement at bar that the notices has been served upon the first informant on 15.05.2026. He further submits that he is well-equipped with the instructions and he is in a position to argue the matter. Till the dictation of the order, despite service upon the opposite party no. 4, he is not present.

3. This is an application under Section 483 BNSS filed on behalf of the applicant, Ajay @ Ajju, for enlarging on bail in connection with in Case Crime No. 85 of 2026, Under Sections 87, 137(2), 65(1) B.N.S. and 3/4 (2) POCSO Act, Police Station Atrauliya, District Azamgarh.

4. Learned counsel for the applicant has submitted that a first information report came to be lodged by the opposite party no. 4 against the applicant and the co-accused, Sinod before the police station- Atrauliya, Azamgarh being FIR No. 0085 of 2026 on 07.03.2026 as 10.48 hours under Sections 137(2), 87, 352 BNS, 2023 with an allegation that the first informant happens to be the father of the victim and according to the narration in the first information report on 06/03/2026 at about 3:00 in the evening, the victim who is stated to be 16 years had gone for some work and thereafter the victim remained missing and when the complaint was made to the parents of the applicant then abuses were hurled. Learned counsel for the applicant has submitted that in the statement under Section 180 of the BNSS

dated 07/03/2026, there is no allegation regarding committing of bad act and further according to the said statements, the victim had gone to the brick-kiln where the owner of the brick-kiln had informed the police from where the police took away the victim. However, taking a summer salt and by way of improvement after the period of 3 days i.e. on 10/3/2026 statement under Section 183 Cr.P.C., a new story has been cooked up that the applicant herein had committed bad act. Submission of the learned counsel for the applicant is that the applicant is innocent and they has been falsely implicated and further had the bad act been committed then obviously statement under section 180 Cr.P.C., the same would have been surfaced. Further submission is that in the medical report, also no abnormality was noticed or any iota of evidence with regard to bad act has been found. Learned counsel for the applicant submits that the applicant does not possess criminal history and he is languishing in jail since 15/04/2026.

5. Countering the submissions so made by the learned counsel for the applicant, learned AGA on the other hand submits that whatever might be there are no material contradictions under Section 180 and 183 BNSS. Further, according to him, the victim is a minor, thus, the applicant is not entitled for any relief.

6. I have heard learned counsel for the parties and gone through the records carefully.

7. Prima facie, in the opinion of the Court, a case of bail is made out in view of the fact that there are material contradictions in the statement under Section 180 and 183 of the BNSS, the applicant does not possess criminal history and there is nothing on record so as to indicate in the medical report that the victim was subjected to bad act and criminal history has been explained and the applicant is languishing in jail since 15/04/2026.

8. Let applicant - Ajay @ Ajju be released on bail in Case Crime No. 85 of 2026, Under Sections 87, 137(2), 65(1) B.N.S. and 3/4 (2) POCSO Act, Police Station Atrauliya, District Azamgarh on his furnishing a personal bond with two sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not tamper with the evidence or threaten the witnesses.

(ii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates 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 an abuse of liberty of bail and pass orders in accordance with law.

(iii) 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 of the Indian Penal Code.

(iv) 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 BNSS is issued and the 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 of the Indian Penal Code.

(v) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C./ 351 BNSS. 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. It is further directed that the identity, status and residence proof of the sureties be verified by the authority concerned before they are accepted.

10. In case of breach of any of the above conditions, the trial court will be at liberty to cancel the bail. Any observations made in granting bail to the applicant shall not in any way affect the learned Trial Court Judge in forming his independent opinion based on the testimony of the witnesses.

11. Accordingly, the bail application is **allowed**.

June 25, 2026
Ashu

(Vikas Budhwar,J.)