



2026:AHC:128843

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. BAIL APPLICATION No. - 18616 of 2026**

Naveen Upadhyay @ Prins Upadhyay

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite  
Party(s)

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|-------------------------------|---------------------------------|
| Counsel for Applicant(s)      | : Ranjan Dhvaj Tiwari           |
| Counsel for Opposite Party(s) | : Devendra Kumar Tripathi, G.A. |

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**Court No. - 71**

**HON'BLE VIVEK KUMAR SINGH, J.**

1. Heard Sri Ranjan Dhvaj Tiwari, learned counsel for the applicant, Sri Devendra Kumar Tripathi, learned counsel for the informant and the learned A.G.A. for the State of U.P.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 79 of 2026, under Section 137(2), 87, 64(1) of B.N.S. and Section 3/4 of POCSO Act, Police Station- Gyanpur, District- Bhadohi.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The alleged incident had taken place on 25.03.2026, whereas the F.I.R. was lodged after two days on 27.03.2026. The applicant is not named in the F.I.R. The informant claimed that the victim was about 16 years and six months of age at the time of alleged incident. The victim was a consenting party and she stated in her statement, recorded under Section 183 of B.N.S.S., that she came in contact with the applicant six-seven months ago. Thereafter, they fell in love and after sometime, her family members came to know about their relationship. On 26.03.2026, the victim left her house in the night and joined the applicant at Gyanpur railway station. Thereafter, they travelled to Kushinagar by train and stayed in Hata in a rented accommodation. The marriage between the applicant and the victim was solemnized on 28.03.2026 in a temple and they lived together as husband and wife for a period of 12 days. The physical relationship between them was established with the consent of the victim. It

is further deposed by the victim that she was not enticed away by the applicant and further she expressed her desire to live with the applicant.

4. It is further contended by the learned counsel for the applicant that the victim was a consenting party and no criminal offence whatsoever is made out against the applicant. In fact, the victim was a major girl and her ossification test was not conducted in order to conceal her real age. There is no injury report to substantiate the allegation levelled against the applicant. It is further contended that the applicant is seventy percent disabled, a disable certificate has been appended at page nos. 23 of the application. The applicant cannot establish physical relationship without consent of a girl, therefore, allegation of rape against the applicant is not convincing. There is no criminal history of the applicant. Learned counsel for applicant further submits that applicant has been languishing in jail since 08.04.2026 and in case, he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

5. Per contra, learned A.G.A. as well as learned counsel for the informant have opposed the prayer for grant of bail to the applicant and submitted that there is ample evidence against the applicant regarding his involvement in the offence, therefore, he is not entitled to be released on bail.

6. Having considered the rival submissions advanced by learned counsel for the parties, the nature of accusations, the evidence brought on record, the period of incarceration undergone by the applicant, the absence of any criminal antecedents, and without expressing any opinion on the merits of the case, this Court finds that the applicant has made out a case for grant of bail.

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

8. Let the applicant- **Naveen Upadhyay @ Prins Upadhyay**, who is involved in the aforementioned case 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall file an undertaking to the effect that he shall not seek

any adjournment on the date 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 abuse of liberty of bail and pass orders in accordance with law.

(ii) 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 IPC/ 269 B.N.S.

(iii) 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 B.N.S.S., may be issued and if 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 IPC/ 209 B.N.S.

(iv) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C./ 351 of B.N.S.S. 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. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

**(Vivek Kumar Singh,J.)**

**June 23, 2026**  
A.P. Pandey