



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 4744 of 2025

Moharram @ Mohammad Husain

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Amit Kumar Srivastava, Mool Chandra
Counsel for Opposite Party(s) : G.A., Mohd. Abrar Khan

Court No. - 65
(Sr. No.83 out of 243)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Sri Amit Kumar Srivastava, learned counsel for applicant, Sri Mohd. Abrar Khan, learned counsel for the informant, Sri Jai Kishan Chaurasia, learned State Law Officer for the State and perused the material placed on record.
3. The present bail application has been filed by the applicant in Case Crime No.744 of 2017, under Sections 363, 366, 376(2)(i), 376(D), 372, 373 I.P.C. and 3/4 POCSO Act, Police Station Saini, District Kaushambi with the prayer to enlarge him on bail.
4. Learned counsel for the applicant has stated that the applicant was not charge-sheeted by the Investigating Officer, as such, he was summoned by the trial court by invoking the powers vested in it U/s 319 Cr.P.C. vide order dated 25.10.2019, but the applicant could not appear before the trial court, as such, file of the applicant was separated. The other co-accused persons have been convicted in the said case.
5. Learned counsel for the applicant has further argued that the victim was a consenting party as she travelled with the co-accused person to several places and she did not raise any alarm during the said sojourn whatsoever. As such, the applicant is entitled to bail. There is no criminal history of the

applicant. The applicant is in jail since 17.10.2024 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Per contra, learned counsel for the informant and learned State Law Officer have vehemently opposed the bail application on the ground that the victim had consent regarding co-accused Sonu only, who was abroad, but the applicant and other co-accused persons had misused their clout and had even sold her off as a commodity, as such, the instant case is not a normal case. The matter involves human trafficking also, as such, the applicant is not entitled to bail.

7. After hearing learned counsel for the parties and taking into consideration the fact that applicant absconded for about five years and the co-accused persons have been convicted in the present case, I do not find it a fit case for grant of bail to the applicant. The bail application is found devoid of merits and is, accordingly, **rejected**.

8. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously, in accordance with law, without granting unnecessary adjournment to either party, if there is no legal impediment.

9. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Krishan Pahal,J.)

May 12, 2026

Vikas Verma