



2026:000:105150

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 14300 of 2026

Alimaan Khan

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Syed Ali Imam
Counsel for Opposite Party(s)	:	G.A., Pande Priti Premshankar

Court No. - 65
(Sl. No.40 out of 265)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. As informed by learned A.G.A. notice to the informant has been served on 19.4.2026.

2. Heard Sri Syed Ali Imam, learned counsel for the applicant, Sri Pande Priti Premshankar, learned counsel for the opposite party no.3 as well as Sri A.K. Mishra, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No. 405 of 2020, under Sections 363, 366, 376, 323, 346 IPC and 3/4 POCSO Act, Police Station Sahibabad, District Ghaziabad, during the pendency of trial.

ARGUMENTS ON BEHALF OF APPLICANT:

4. The applicant is absolutely innocent and has been falsely implicated in the present case. FIR was instituted against the applicant on 2.3.2020 of having enticed away the minor daughter of the informant but the victim and the applicant went all the way to Bengaluru and started living there but inadvertently, the parties fell apart and the victim returned to her maternal house in the year 2025 and she has deposed against the applicant thereupon.

5. The consent of the victim is evident from the fact that she has remained with the applicant for five years in Bengaluru. The allegations made by the victim in her statement recorded u/s 183 BNSS are that applicant kept

her in a slum area and therefore, she could not raise any alarm, whatsoever there. The slum area is a congested one and it is not possible for a person to be kept confined for such a long period. The victim has taken a false ground that the persons in the locality did not understand her language and neither did she understand their language. Linguistics must be able to communicate but the demeanour gives message to each and every body, as such, the applicant is entitled for bail.

6. The victim, by her physical appearance, seems to be major although her age was 16 years as per Class IX certificate, at the time of offence. There is no valid document to suggest that victim was minor.

7. Learned counsel for the applicant has further stated that there is no criminal history of the applicant. The applicant is languishing in jail since 28.10.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

ARGUMENTS ON BEHALF OF STATE/INFORMANT:

8. The bail application was opposed but the submissions made by learned counsel for the applicant could not be disputed.

CONCLUSION:

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the statement of the victim recorded u/s 183 BNSS, whereby she seems to be consenting party as she remained with the applicant at Bengaluru for five years and did not raise any alarm whatsoever and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

10. Let the applicant- **Alimaan Khan**, who is involved in 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 verification of sureties, with the condition that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

11. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

12. 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.

(Krishan Pahal,J.)

May 7, 2026
Shalini