



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 13935 of 2026

Mohit @ Golu

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	: Dharendra Pratap Singh
Counsel for Opposite Party(s)	: Ankit Mishra, G.A.

Court No. - 65
(Sr. No.77 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Dharendra Pratap Singh, learned counsel for the applicant, Sri Ankit Mishra, learned counsel for the informant, Ms. Varsha Singh, learned counsel for High Court Legal Service Committee, Sri Rajendra Prasad Singh, learned State Law Officer for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.264 of 2025, under Sections 137(2), 87, 65(1) BNS, and Sections 5/6 of POCSO Act, Police Station- Pipiganj, District- Gorakhpur, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by about three days, and there is no explanation for the said delay. The victim is a consenting party, as she had travelled with the applicant to several places and had taken Rs.1 lakh from her house. Earlier on also, the informant had instituted an FIR against he applicant regarding abscondence with the same victim. The victim, by her physical appearance, seems to be major, although there is no valid document to suggest that she was minor. The applicant himself is a youth aged about 20 years. A matter of a consensual relationship between two adolescents has been converted into a criminal case by the informant. The criminal history of two cases assigned to the applicant stands explained. The applicant is in jail since 19.07.2025 and

he undertakes to cooperate with the trial and not misuse the liberty of bail.

5. Learned counsel for the opposite parties have vehemently opposed the bail application but could not dispute the submissions made by the counsel for the applicant.

6. This Court is of the view that if a case for bail is otherwise made out, an accused cannot be kept incarcerated solely on account of his criminal antecedents. In the instant case, the criminal history attributed to the applicant has been properly explained.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay in the institution of the FIR and the statement of the victim recorded under Section 183 BNSS, which indicates her consent, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

8. Let the applicant- **Mohit @ Golu**, be released on bail on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

9. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

May 6, 2026
(Ravi Kant)