



2026:AHC:90731

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 17640 of 2025

Ramnaresh

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Ajay Kumar Srivastava, Sanjeev
Kumar Sahu, Shivangi Bhargava
Counsel for Opposite Party(s) : G.A., Jitendra Singh

Court No. - 65
(Sl. No. 83 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Ajay Kumar Srivastava, learned counsel for applicant, Sri Jitendra Singh, learned counsel for the informant as well as Sri Sunil Kumar, learned A.G.A. 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. 269 of 2023, under Sections 363, 376AB, 307 IPC and 6 POCSO Act, Police Station Khakhreru, District Fatehpur, with the prayer to enlarge him on bail.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The applicant is in jail since 7.12.2023 and not a single witness has been examined to date. There is no test identification parade conducted by the prosecution as per Section 9 of the Indian Evidence Act. The DNA of the viral part of the body of the victim does not match with that of the applicant. His fundamental rights enshrined under Article 21 of the Constitution of India stand violated as there is no likelihood of early conclusion of trial in near future. In case, the applicant is released on bail, he will not misuse the liberty of bail.
5. Per contra, learned A.G.A. and learned counsel for the informant have

vehemently opposed the bail application on the ground that there is injury sustained by the victim on her vital part. The victim is a baby aged about 6 years only, as such, the applicant is not entitled for bail.

6. After hearing the rival submissions made by learned counsels for the parties and taking into consideration the injuries sustained by the victim, 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**.

7. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible in view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of *Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220* and *Hussain and Another vs. Union of India; (2017) 5 SCC 702*, if there is no legal impediment.

8. 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.

9. This Court is amazed the way learned counsel for the informant has opposed the bail application. He has every right to oppose it but he has failed to produce a single witness during trial. The Court cannot keep its eyes closed to the said act of the prosecution.

10. A copy of this order be communicated to the learned trial judge through the learned District Judge, concerned, by the Registrar (Compliance) by e-mail/FAX.

(Krishan Pahal,J.)

April 23, 2026
Shalini