



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 15344 of 2026

Premchandra

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Nitin Kumar, Raj Kumar Tiwari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65
(Sl. No.50 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. As informed by learned A.G.A., notice has been served to the informant on 23.4.2026.
2. Heard Sri Nitin Kumar, learned counsel for the applicant, Sri D.K. Singh, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Session Trial No. 1677 of 2025, Case Crime No. 362 of 2025, under Sections 137(2), 87, 70(2) BNS and 5/6 POCSO Act, Police Station Kotwali Dehat, District Etah, during the pendency of trial.
4. Learned counsel for the applicant has stated that the applicant is absolutely innocent and has been falsely implicated in the present case. The victim has been examined as PW-1 during trial and she has completely resiled from her earlier statement given to the Investigating Officer and the allegations of the FIR. The witness has been cross-examined by the public prosecutor after declaring her hostile. There is no likelihood of conviction in the present case under the circumstances. The fundamental rights of the applicant as enshrined in Article 21 of the Constitution of India stand violated.
5. Learned counsel for the applicant has further stated that there is no criminal history of the applicant. The applicant is languishing in jail since 10.10.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Learned A.G.A. has vehemently opposed the bail application but could not dispute the submissions made by the counsel for the applicant.

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 fact that the victim has turned hostile, 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**.

8. Let the applicant- **Premchandra**, 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.

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.

(Krishan Pahal,J.)

May 6, 2026
Shalini