



2026:0000:10000000

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 15221 of 2026

Moni Upadhyay

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Punya Sheel Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

(Sl. No. 14 out of 259)

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 24.4.2026.

2. Heard Sri Punya Sheel Pandey, learned counsel for the applicant as well as Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No. 392 of 2025, under Sections 137(2), 64(1) BNS and 3/4 POCSO Act, Police Station Refinery, District Mathura, 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. The victims V₁ and V₂ are stated to have gone on their own from their house as they were not satisfied with their parents. The victims have categorically stated that they wanted to live independent life and that they had consensual relation with the applicant. Both the sisters have stated that they want to stay together away from their parents.

5. The instant FIR is a misuse of the process of law, which itself is delayed by five days. Both the victims are major as there is no documentary evidence to suggest that they were minor.

6. There is no criminal history of the applicant. The applicant is languishing

in jail since 2.1.2026 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:

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

CONCLUSION:

8. 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 FIR and the statement of the victims, whereby they seem to be consenting party 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**.

9. Let the applicant- **Moni Upadhyay**, 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.

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

11. 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