



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 15035 of 2026

Chintu @ Brajesh Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Dileep Kumar Shukla, Mohit Singh,
Ravi Kumar Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 65
(Sr. No.8 out of 205)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Learned A.G.A. has informed that the notice to the informant has been served on 23.4.2026.

2. Heard Sri Mohit Singh, learned counsel for the applicant, 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.339 of 2025, under Sections 87, 61(2), 137(2), 64(1) BNS and 5j(2)/6 POCSO Act, Police Station Chandausi, District Sambhal, during the pendency of trial.

PROSECUTION STORY:

4. The applicant is stated to have enticed away the niece of the informant on 23.6.2025 at about 11:00 a.m.

ARGUMENTS ON BEHALF OF APPLICANT:

5. The applicant is absolutely innocent and has been falsely implicated in the present case.

6. The FIR is delayed by about 01 month and 10 days and there is no explanation of the said delay caused. Even the application U/s 173(4) BNSS was moved on 3.7.2025, which itself is delayed by about 10 days and there is no explanation of the said delay either.

7. The victim is a consenting party as far as her statement recorded U/s 183 BNSS is concerned, whereby she has stated that she was 17 years old and had studied upto class-5th only. She had gone with the applicant out of her own sweet-will. She has also stated that her parents had agreed to marry her off with the applicant, but subsequently refused to do so and started beating her up, as such, she alone left her house to Haridwar and then went to Mumbai.

8. The victim in the said statement has categorically stated that she established corporeal relationship with the applicant out of her own sweet-will and she was pregnant as she loved him. She has also stated that her father instituted the FIR, thereupon the applicant and his parents have been sent to jail and she wants to save them.

9. The victim has given birth to a baby in the women welfare center and she had not gone with her parents, which indicates her consent and willingness to stay with the applicant.

10. The applicant and his parents are very much ready to take care of the victim and the child born. The applicant has no criminal history and is in jail since 11.10.2025. He undertakes to cooperate with the trial and not misuse the liberty of bail.

ARGUMENTS ON BEHALF OF STATE/INFORMANT:

11. The bail application has been opposed but the submissions raised by the learned counsel for the applicant could not be disputed.

CONCLUSION:

12. 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 victim recorded U/s 183 BNSS, which indicates her consent, coupled by the fact that applicant is ready to take care of the victim and her child, 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**.

13. Let the applicant- **Chintu @ Brajesh Kumar**, 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. **The applicant shall deposit (fixed deposit) a sum of Rs.1,00,000/- in the name of new born child of the victim, through legal guardian (mother/victim) within a period of six months from the date of his release from jail.**

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

(Krishan Pahal,J.)

May 5, 2026
Vikas Verma