



2026:AHC:90779

**HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 21539 of 2025**

Pradeep Chauhan

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Indra Deo Yadav, Puneet Kumar, Yashpal Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65
(Sl. No. 91 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 8.6.2025.
2. Heard Sri Puneet Kumar, learned counsel for the applicant as well as Sri A.K. Mishra, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 598 of 2024, under Sections 137(2), 87, 64 BNS and 3/4 POCSO Act, Police Station Saraimaer, District Azamgarh, 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 victim has been examined 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 him/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. The victim is the consenting party. Rather she has stated in her statement recorded u/s 183 BNSS that she is living in the house of applicant only alongwith her offspring (baby girl). The applicant is ready to take care of the mother and daughter duo if he is enlarged on bail.
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 30.3.2025 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 counsel for the informant has no objection if the applicant is enlarged on bail on the condition that he is ready to take care of the victim and the offspring in future.

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 statement of the victim recorded u/s 183 BNSS, whereby she seems to be consenting party; the fact that the victim has turned hostile regarding the allegations made in the FIR 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- **Pradeep Chauhan**, 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 the following conditions:-

(i) The applicant shall marry the victim and take care of her as well as the offspring within a period of two months after his release from jail. The applicant shall deposit (Fixed Deposit) a sum of Rs. 1 lakh in the name of the child under the guardianship of her mother till attaining the age of majority, within a period of six months from the date of his release from jail.

(ii) The applicant shall not tamper with evidence during trial.

(iii) The applicant shall not pressurise/intimidate with the prosecution witnesses.

(iv) The applicant shall appear before the trial court on the date fixed.

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.)

April 23, 2026Shalini