



2026:AHC:70903

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 26389 of 2025

Sumit Alias Hau

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Mohd. Afzal Ansari, Mohit Kumar Singh, Sujata Choudhary
Counsel for Opposite Party(s) : Atul Kumar Tiwari, G.A.

Court No. - 65
(Sl. No. 119 out of 262)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. The names of three counsels have been shown in the cause list although Sri Mohit Kumar Singh, learned counsel for the applicant, has submitted an illness slip and is not present.
2. Heard Sri Mohd. Afzal Ansari, learned counsel for the applicant and Sri Rizwan Nazis, Advocate holding brief of Sri Atul Kumar Tiwari, learned counsel for the informant as well as Sri V.K.S. Parmar, learned A.G.A. for the State and also perused the material placed on record.
3. Applicant seeks bail in **Case Crime No. 193 of 2025, under Sections 65(1), 74, 351(2) of BNS and Sections 3/7(2) of POCSO Act, Police Station - Kankerkhara, District - Meerut**, 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. He has nothing to do with the said offence as alleged in the FIR. The FIR is delayed by about six days and there is no explanation of the said delay caused.
5. Learned counsel has also stated that a false story of gang rape has been cooked up by the victim. There is material contradictions in her statement as at one stage, she was going to the hospital and on the other stage, she was coming from the hospital. It is further stated that the victim is more than 14 years-old but by her looks, she seems to be major although there

is no valid documentary evidence to indicate that she was minor. There is no medical corroboration of the incident.

6. Learned counsel has next contended that the applicant is languishing in jail since 25.03.2025, having no criminal history, deserves to be released on bail. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

7. Per contra, learned AGA and learned counsel for the informant have vehemently opposed the bail application but unable to dispute the submissions raised by the learned counsel for the applicant and also the fact that the applicant has no criminal history.

8. Considering the submissions advanced by learned counsel for the parties, the delay in lodging the FIR, the contradictions in the statement of the victim, absence of any reliable documentary evidence regarding her age, and lack of medical corroboration of the alleged incident, this Court finds that the matter requires appreciation of evidence during trial. Without expressing any opinion on the merits of the case, I find it a fit case for grant of bail. The bail application is accordingly **allowed**.

9. Let the applicant- **Sumit Alias Hau**, 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.

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

(Krishan Pahal,J.)

April 2, 2026
Siddhant