



2026:AHC:91712

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 26223 of 2025

Neeraj

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Brajesh Kumar, Laxmi Narayan
Rathour
Counsel for Opposite Party(s) : G.A., Saumya Srivastava

Court No. - 65
(Sl. No. 132 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. As informed by learned AGA, notice to the informant has been served on 26.07.2025 but none is present on behalf of the informant.
2. Heard Sri Brajesh Kumar, learned counsel for the applicant and Ms. Diksha Mahur, Advocate holding brief of Ms. Saumya Srivastava, learned counsel for High Court Legal Services Committee as well as Sri V.K.S. Parmar, learned A.G.A. for the State and perused the material placed on record.
3. This bail application has been filed on behalf of the applicant seeking bail in **Case Crime No. 109 of 2025, under Sections 65(1), 351(2) of BNS and Sections 3/4(2) of POCSO Act, Police Station-** Kotwali Kalpi, **District** - Jalaun, 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. It is also contended that the victim (P.W. 2) has not supported the prosecution story during her cross-examination, as such, there is no likelihood of conviction of the applicant in the present case.
5. Learned counsel has further stated that the applicant is languishing in jail since 8.5.2025, having no criminal history to his credit and 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.

6. Per contra, learned counsel for the High Court Legal Services Committee, as well as the learned AGA, have vehemently opposed the bail application on the ground that the statement of the victim recorded on 19.03.2026 was contested during her examination-in-chief, and therefore, it is submitted that the applicant is not entitled to bail.

7. In rebuttal, learned counsel for the applicant has submitted that the cross-examination of the victim was conducted on 02.04.2026, and she turned hostile on that date, thereby substantially retracting her earlier incriminating version.

8. Considering the facts and circumstances of the case, the submissions made by learned counsel for the parties, and the evidence on record, and also considering the fact that the victim has not supported the prosecution version and even the informant has likewise disowned the prosecution story, the Court, without expressing any opinion on the merits of the case, is of the view that the applicant has made out a case for bail. The bail application is accordingly **allowed**.

9. Let the applicant- **Neeraj**, 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 23, 2026

Siddhant