2026:AHC:187593

# HIGH COURT OF JUDICATURE AT ALLAHABAD

## CRIMINAL MISC. BAIL APPLICATION No. - 26227 of 2026

Santosh Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

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Counsel for Applicant(s) : Dhirendra Babu Mishra, Ravindra Kumar Mishra

Counsel for Opposite Party(s) : G.A., Seeta Singh, Vikram

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**Court No. - 67**

**HON'BLE JITENDRA KUMAR SINHA, J.**

**1.** List revised.

**2.** Heard Sri Ravindra Kumar Mishra, learned counsel for the applicant, Sri Uma Shankar Mishra, learned AGA for the State-respondents and perused the record.

**3.** Names of Ms. Seeta Singh and Sri Vikram appear in the cause list as counsel for the first informant but none of them is present.

**4.** The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant with a prayer to release him on bail in Case Crime No. 390 of 2025 under Sections 137(2), 65(1) BNS and 5(J)(2)/6 POCSO Act registered at Police Station Manjhanpur, District Kaushambi during pendency of the trial.

**5.** It has been argued by learned counsel for the applicant that applicant has been falsely implicated in the present case and the victim has not stated anything against the applicant in her statement under section 180 BNSS. However, in her statement under section 183 BNSS, she has stated that she left her home and went to Mumbai on her own free will and she met the applicant there and physical relationship was established between them with her consent. It is further submitted that age of the victim has been found to be 17 years as per radiological report and around 14 years 4 months as per certificate of class VIth, however, there is no certificate of High School or

school first attended. It is further submitted that medico-legal report of the victim does not support the allegation of rape on her. It is further submitted that applicant, who has no criminal history, has been languishing in jail since 19.4.2026 and he undertakes that he will not misuse the liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

**6.** On the other hand, learned A.G.A. opposed the prayer for grant of bail to the applicant and submits that victim is a minor girl aged about 14 years 4 months as per certificate of class VIth and around 17 years as per radiological report and she is pregnant.

**7.** As per the FIR, some unknown person is said to have enticed away the daughter of the first informant aged about 14 years, however, she has been recovered. The victim has not stated anything against the applicant in her statement under section 180 BNSS, however, in her statement under section 183 BNSS, she has stated that she left her home and went to Mumbai on her own free will and she met the applicant there and physical relationship was established between them with her consent. The victim has been found to be aged about 17 years as per radiological report and around 14 years 4 months as per certificate of class VIth, however, there is no certificate of High School or school first attended. It is submitted that if benefit of two years is given to the victim, she would be major. Applicant, who has no criminal history, has been languishing in jail since 19.4.2026.

**8.** Upon considering the totality of facts, nature and the evidence reflected from record and without expressing any opinion on merits of the case, I find it to be a fit case for bail. Hence, the present bail application is **ALLOWED**.

**9**. Let the applicant **Santosh Kumar** involved in the aforesaid case crime be released on bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions :-

(i) The applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.

(ii) The applicant shall not pressurize/intimidate the prosecution witnesses.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of B.N.S.S.

(iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

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

**11.** It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

**(Jitendra Kumar Sinha,J.)**

**September 8, 2026**
Madhurima

Digitally signed by :-
MADHURIMA GARG
High Court of Judicature at Allahabad