



2026:000:1141594

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30687 of 2025

Deena

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Babu Lal Ram, Jyoti Bhushan
Counsel for Opposite Party(s)	:	G.A., Shyam Sunder Yadav

Court No. - 65

(Sr. No.112 out of 243)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Jyoti Bhushan, learned counsel for the applicant, Sri Kunwar Ajay Singh, Advocate holding brief of Sri Shyam Sunder Yadav, learned counsel for the informant as well as Sri Ram Mohit Yadav, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.81 of 2022, under Sections 376DA I.P.C. and 5/6 POCSO Act, Police Station Mehnagar, District Azamgarh, during the pendency of trial.
4. This is the second bail application on behalf of the applicant. The first one was rejected by the Co-ordinate Bench of this Court vide order dated 23.1.2023 passed in Criminal Misc. Bail Application No.26143 of 2022.
5. As a new ground, learned counsel for the applicant has stated that the applicant is languishing in jail since 19.3.2022, as such, he is incarcerated in jail for more than 04 years and 01 month. There is no likelihood of conclusion of trial in near future as only one witness has been examined to date. As such, the fundamental rights of the applicant enshrined under Article 21 of the Constitution of India stand violated.
6. It is further argued by learned counsel for the applicant that the FIR is delayed by about two days and there is no medical corroboration of the incident. There is no medical corroboration of the incident either. As such,

the applicant is entitled to bail. There is no criminal history of the applicant. He undertakes to cooperate with the trial and not misuse the liberty of bail.

7. Learned A.G.A. and learned counsel for the informant have vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the period of detention of applicant and also there being no likelihood of conclusion of trial in near future as only one witness has been examined to date, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

9. Let the applicant- **Deena**, 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.)

May 12, 2026
Vikas Verma