



2026:AHC:206600

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 29902 of 2026

Keshavram @ Kriparam Prajapati

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Akhil Tripathi, Santosh Pathak, Vijay
Shanker Mishra

Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Akhil Tripathi, learned counsel for the applicant, Sri Anand Pratap Singh, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 82 of 2026, under Sections 137(2), 87, 64(1), B.N.S., 2023 and Section 3/4 P.O.C.S.O. Act, 2012, Police Station Bhawaniganj, District Siddharthnagar, during the pendency of the trial.

3. This matter was heard on 11.09.2026. On that date, neither the applicant nor the learned A.G.A. could apprise this Court regarding the date of recording the statement of the victim under Section 183 BNSS and even the learned A.G.A. did not have the copy of the sexual assault report despite receiving instructions from the concerned Investigating Officer. Therefore, this Court vide order dated 11.09.2026 directed the Investigating Officer of the case to appear personally before this Court along with the sexual assault report of the victim.

4. In pursuance of the order of this Court dated 11.09.2026, Investigating Officer of the case Ram Sewak Prasad, Sub-Inspector, Police Station Bhawaniganj, District Siddharthnagar has appeared before this Court in person and he admitted his fault that he could not send the sexual assault report of the victim at the time of forwarding the instructions to the learned A.G.A. The reason for such negligence has been mentioned that

he is newly promoted as Sub-Inspector and the present investigation is his third investigation and he sent instructions to the High Court for the first time. He has also submitted written explanation through Joint Director (Prosecution), High Court, Allahabad regarding recording the statement of the victim under Section 183 BNSS on 30.06.2026, though normally it should have been recorded within 24 hours from the time of receiving information regarding the offence of committing rape against a minor. In his explanation, Ram Sewak Prasad, Sub-Inspector has submitted that he was on VIP duty from 27.06.2026 to 29.06.2026 and for that reason he could not produce the victim before the concerned Magistrate. He also submitted that on 26.06.2026 there was a holiday because of Moharram. Though the reason for not forwarding the sexual assault report to the learned A.G.A. as well as not recording the statement of the victim under Section 183 BNSS has been explained, that is not the required explanation in view of the strict provisions of the POCSO Act.

5. Coming to the merits of the case, learned counsel for the applicant submitted that the FIR was lodged regarding enticing away the daughter of the first informant, who is more than 17 years old as per her school certificate, while 19 years old as per her ossification test report, and the victim girl in her statement clearly stated that she herself left her house for the reason that she was in a relationship with the applicant and the applicant has not committed any wrong with her and the sexual assault report of the victim does not show any sign of sexual assault. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. It is further submitted that the applicant has no criminal history. The applicant is a law-abiding citizen and he is languishing in jail since 02.07.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

6. Per contra, learned A.G.A., though vehemently opposed the prayer for bail, could not dispute the aforesaid fact regarding the statement of the victim and non-supply of the sexual assault report at the time of sending instructions to him.

7. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of

offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

8. Let the applicant- **Keshavram @ Kriparam Prajapati**, involved in the aforementioned 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, 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 cooperate in the trial/investigation sincerely without seeking any adjournment.
- iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
- iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

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

10. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

11. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

12. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

13. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

14. Office is directed to send a copy of this order to the applicant through **Jail Superintendent, Siddharthnagar** via e-mail or on e-prison portal and Trial Court via e-mode within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685** as well as **Pila Pahan@Peela Pahan and others Vs. State of Jharkhand and another, in Writ Petition (Criminal) No. 169 of 2025**, decided on **29.05.2026**.

15. Application, if any, stands **disposed of**.

16. Since the charge-sheet has been filed in the present case, the applicant could have been released on bail on 11.09.2026, but for want of the sexual assault report, he could not be released on that date and finally he has been released today after more than 18 days for no fault on his part. Since personal liberty is a fundamental right of a person which cannot be curtailed except in accordance with the procedure established by law, therefore, just to compensate the applicant, the State Government will pay Rs. 25,000/- to the applicant, which can be recovered by the S.P., Siddharthnagar after conducting an enquiry against the negligent police officer for the above fault in providing complete instructions to the learned A.G.A.

17. This Court has come across a number of cases from District Siddharthnagar in which negligence and lapses in investigation were found in cases under the POCSO Act. Therefore, this Court directs the S.P., Siddharthnagar to take necessary steps to ensure that such negligence does not occur in future. In case any police officer of District Siddharthnagar is found negligent in conducting investigation in cases

under the POCSO Act in future, the S.P., Siddharthnagar shall also be held responsible for such negligence.

18. Let a copy of this order be communicated to the **Superintendent of Police, Siddharthnagar** through the **Registrar (Compliance)**.

(Arun Kumar Singh Deshwal,J.)

October 1, 2026
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