



2026:AHC:188564

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 31889 of 2026

Nishar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Dileep Kumar Shukla, Sandip Kumar Shukla
Counsel for Opposite Party(s) : G.A.

Court No. - 68
(Sl. No. 85 out of 318)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. As informed by learned A.G.A., notice to the informant has been served on 29.8.2026.
2. Heard Sri Sandip Kumar Shukla, learned counsel for the applicant, Sri A.K. Mishra, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 119 of 2026, under Sections 115(2), 333, 351(3), 74, 75(2) BNS and 7/8 POCSO Act, Police Station Bakewar, District Etawah, 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. The FIR is delayed by more than one month and there is no explanation of the said delay caused. The said FIR was instituted after moving an application u/s 173(4) BNSS, as an afterthought.
5. Learned counsel for the applicant has further argued that the injuries sustained by the informant are simple in nature. The allegations made by the victim do not stand substantiated by any medical evidence, whatsoever, as such, applicant is entitled for bail. There is no criminal history of the applicant. The applicant is languishing in jail since 29.7.2026 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Learned A.G.A. has vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay in FIR and the injuries sustained by the informant being simple in nature 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**.

8. Let the applicant- **Nishar**, who is involved in aforementioned case 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 subject to verification of sureties, with the condition that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

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

10. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

September 9, 2026

Shalini