



2025:AHJ:167/277

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39097 of 2025

Vinay Kumar Alias Ashish

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Desh Ratan Chaudhary, Himanshu Chaudhary

Counsel for Opposite Party(s) : Anil Kumar, G.A.

Court No. - 65

(Sl. No. 167 out of 277)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Siddhartha Chaudhary, learned counsel for the applicant and Sri Anil Kumar, learned counsel for the informant as well as Sri Jai Kishan Chaurasia, learned State Law Officer and perused the record.
3. This bail application has been filed on behalf of the applicant seeking bail in **Case Crime No. 461 of 2025, under Sections 65(2), 351(3) of BNS and Sections 5m/6 of POCSO Act, Police Station- Dibai, District - Bulandshahr**, during the pendency of trial.
4. Learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case, and that he has no connection with the offence as alleged in the FIR. It is further contended that there exists a property dispute between the parties, which forms the real motive for implicating him. The victim is a 10 year old girl, and although she has sustained injuries, the same were caused as a result of being beaten by her own parents and not in the manner alleged against the applicant.
5. Learned counsel has further contended that the applicant is languishing in jail since 5.7.2025, having no criminal history to his credit. 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 opposite parties have vehemently opposed the bail application on the ground that as per medical report, there are injuries on the body of the victim and the same are as under:-

(i) Injury No. 1-- Redness Linear Mark about 4 X 6 cm present on upper aspect of left upper arm;

(ii) Injury No. 2-- Redness and Blush Mark about 3 X 3 cm present on upper aspect of left upper thigh;

(iii) Injury No. 3-- Redness Oval Shape Abrasion about 2.5 X 2.5 cm present on medial aspect of back/spine area; and

(iv) Injury No. 4 -- Redness present about 2 X 2 cm on upper aspect of forearm.

7. Considering the facts and circumstances of the case, submissions advanced by learned counsel for the parties and taking into consideration the fact that the injuries sustained on the body of the victim, I do not find it a fit case to release the applicant on bail.

8. The bail application is, accordingly, **rejected**.

9. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously, in view of the principle laid down in the recent judgements of the Supreme Court in the cases of **Vinod Kumar vs. State of Punjab 2015 (3) SCC 220** and **Hussain and Another vs. Union of India (2017) 5 SCC 702**, if there is no legal impediment.

10. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Krishan Pahal,J.)

April 20, 2026
Siddhant