



2026:AHC:211359

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35101 of 2026

Faiz

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mukesh Joshi
Counsel for Opposite Party(s)	:	G.A., Rakesh Kuamr Yadav

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. No one appeared on behalf of the first informant despite service of notice by the police.
2. Heard Sri Mukesh Joshi, counsel for the applicant, Sri Bhupendra Pal Singh, learned A.G.A. for the State and perused the record.
3. The instant bail application has been filed with a prayer to release the applicant on bail during trial in Case Crime No. 144 of 2026, under Sections 137(2), 87, 65(1), 142, 115(2), 352, 351 (3) B.N.S. & Section 3/4 Protection of Children from Sexual Offences Act, Police Station Sambhal, District Sambhal.
4. Counsel for the applicant submitted that that the victim is about 17 years old. It is further submitted that from perusal of the statements of the victim recorded under Section 180 and 183 BNSS, it is clear that she was in relationship with the applicant and she herself left the house along with the applicant. Thereafter, when she returned back after about one month, then the FIR was lodged. It is further submitted that there is a delay of one month in lodging the FIR. It is further submitted that there is contradiction in the statements of the victim recorded under Section 180 and 183 BNSS. It is further submitted that the medical examination report of the victim does not show any sexual assault. It is further submitted that from the statement of the independent villagers, it is clear that initially the victim left the house along with the applicant about nine months back, and when both of them returned back, then the FIR was lodged. It is further submitted that the applicant has

no criminal history. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 24.06.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties; taking into account the contradiction in the statements of the victim recorded under Section 180 and 183 BNSS; also taking into account the medical examination report of the victim; coupled with the delay of more than one month in lodging the FIR and keeping in view the nature of offence, evidence, complicity of accused 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 bail application is **allowed**.

7. Let the applicant- **Faiz** 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.

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

cancellation of bail.

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

10. 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.

11. 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.

12. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent 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.

(Arun Kumar Singh Deshwal,J.)

October 8, 2026

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