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HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39639 of 2025

Santosh Kamal

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Arun Kumar Tiwari, Satish Chandra Singh

Counsel for Opposite Party(s) : Ashutosh Sharma, G.A.

Court No. - 65

(Sr. No.117 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Satish Chandra Singh, learned counsel for applicant, Sri Ashutosh Sharma, learned counsel for the informant as well as Sri Rajendra Prasad Singh, learned State Law Officer for the State and perused the material placed on record.
3. The present bail application has been filed by the applicant in Case Crime No.112 of 2025, under Sections 332(B), 70(2), 115(2), 351(2) BNS and 5j(ii)/5(L)/6 POCSO Act, Police Station Panki, District Kanpur Nagar with the prayer to enlarge him on bail.
4. Learned counsel for the applicant has stated that the case of applicant is at par with co-accused Anand Kamal alias Gadram alias Chhote, who has already been enlarged on bail by this Court vide order dated 27.4.2026 passed in Criminal Misc. Bail Application No.18636 of 2025. As such, the applicant is also entitled to bail. The only point of difference is that DNA profile of the offspring born to the victim matches with that of the applicant, otherwise the statements of victim recorded U/s 180 & 183 BNSS indicate similar allegations against both the accused persons. There is no criminal history of the applicant and he is in jail since 22.3.2025 and is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

5. Per contra, learned counsel for the informant and learned State Law Officer have vehemently opposed the bail application on the ground that DNA report received from the FSL indicates that the applicant is the biological father of the offspring born to the victim. As such, the fact that rape has been committed with her stands established. Therefore, the applicant is not entitled to bail.

6. After hearing learned counsel for the parties and taking into consideration the DNA report, which indicates that applicant is the biological father of the offspring born to the victim, I do not find it a fit case for grant of bail to the applicant. The bail application is found devoid of merits and is, accordingly, ***rejected***.

7. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously, without granting unnecessary adjournment to either party, in accordance with law, if there is no legal impediment.

8. 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.)

May 6, 2026

Vikas Verma