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HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 42136 of 2025

Majibullah

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

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

Counsel for Opposite Party(s) : G.A., Smt. Ushma Mishra, Vipin Kumar Dwivedi

Court No. - 65

(Sr. No.73 out of 269)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Rejoinder affidavit filed today is taken on record.
2. Heard Sri Satish Chandra Singh, learned counsel for the applicant, Sri Zilajeet Singh, Advocate holding brief of Sri Vipin Kumar Dwivedi, learned counsel for the informant, Smt. Ushma Mishra, learned counsel for the High Court Legal Service Committee and Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.131 of 2025, under Sections 137(2), 64(1), 351(3) BNS, 3/4 POCSO Act and 3/5(1) Uttar Pradesh Prohibition of Unlawful Religion Conversion Act, Police Station Kathela Samay Mata, District Siddharth Nagar, 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 allegations are per se false. The FIR is delayed by about 5 days, and there is no explanation for the said delay. There is nothing on record to suggest that the applicant converted the victim to his own religion. The consent of the victim can be drawn from the fact that she had travelled with the applicant all the way to Mumbai through various modes of transportation. The victim is 18 years old as per ossification test report. The applicant has no criminal history and is in jail since 03.09.2025. He undertakes to cooperate with the trial and not misuse the liberty of bail.

5. Learned counsel for the opposite parties have vehemently opposed the bail application but could not dispute the submissions made by the counsel for the applicant.

6. 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 the institution of the FIR and the statement of the victim recorded under Section 183 BNSS, which indicates her consent, 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**.

7. Let the applicant- **Majibullah**, be released on bail on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

8. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

May 14, 2026
(Ravi Kant)