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HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 44639 of 2025

Samir Khan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Prashant Kumar, Shivendra Singh
Counsel for Opposite Party(s)	:	G.A., Prakash Chand Srivastava

Court No. - 65

(Sr. No.130 out of 269)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Prashant Kumar, learned counsel for applicant, Sri Prakash Chand Srivastava, 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.246 of 2025, under Sections 64(2)(m), 351(2) BNS, Police Station Wave City, District Ghaziabad with the prayer to enlarge him on bail.
4. Learned counsel for the applicant has stated that the FIR is delayed by about 13 days and there is no explanation of the said delay caused. The victim is a consenting party as she travelled with the applicant all the way to Gujarat and had not raised any alarm whatsoever. There is no evidence that any indecent photograph or video of the victim was recovered from the applicant and even there is no evidence that applicant made it viral.
5. It is further argued by learned counsel for the applicant that there is no evidence that applicant blackmailed the victim in lieu of making the said video or photograph viral on social media. There is no criminal history of the applicant. The applicant is in jail since 1.9.2025 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. Per contra, learned counsel for the informant and learned State Law Officer have vehemently opposed the bail application on the ground that the Investigating Officer opened the applicant's mobile phone and recovered indecent photographs of the applicant and the victim from the gallery of the said mobile. As such, it is a clear-cut case of misuse of clout and blackmailing of the victim. Therefore, the applicant is not entitled to bail.

7. After hearing learned counsel for the parties and taking into consideration the fact that indecent photographs of the victim were recovered from the mobile of applicant, which were taken in possession by the Investigating Officer, 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***.

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

9. 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 14, 2026

Vikas Verma