HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 3012 of 2026

Dheeraj Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Jagadish Prasad Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant and Sri Anupam Anand, learned Brief Holder for the State-opposite party.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 511 of 2025, under Section 69 B.N.S., Police Station Gopiganj, District Bhadohi during the pendency of the trial.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. Placing reliance upon the first information report and the statements of the victim recorded under Sections 180 and 183 B.N.S.S. it is contended that the victim is the wife of the applicant. The relation between the applicant and the victim were voluntary. Further, the essential ingredients to constitute the offence under Section 69 B.N.S. are not made out against the applicant. The applicant is in jail since 01.12.2025 having no criminal history and if he is released on bail, he will not misuse the said liberty.

4. Learned Brief Holder for the State has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the essential ingredients to constitute the offence under Section 69 B.N.S. are not made out against the applicant. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than ten months and after submission of the charge-sheet there is no hope of early conclusion of trial,

and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- Dheeraj Kumar, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence; and,

(iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

(Vivek Varma,J.)

October 23, 2026
SKT/-

Digitally signed by :-
SHIVA KANT TIWARI
High Court of Judicature at Allahabad