HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 3915 of 2026

Monu Rathi

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Sunil Kumar Upadhyay, Km. Khushi, Rajesh Kumar Tripathi, Yash Raj Verma
Counsel for Opposite Party(s)	:	Akash Tyagi, G.A., Neha Tyagi, Rajesh Kumar Mishra, Sushmita Tripathi

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard Ms. Khushi, learned counsel for the applicant, Sri Nagendra Kumar Mishra, learned Brief Holder for the State-opposite party, and Sri Rajesh Kumar Mishra, Advocate assisted by Sri Anurag Upadhyay, Advocate, appearing for the informant.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 751 of 2024, under Sections 376, 506 I.P.C. and 3/4 POCSO Act, Police Station Kankarkheda, District Meerut during the pendency of the trial.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The first information report has been lodged belatedly. Placing reliance upon the report of the Police Station Civil Lines, District Meerut dated 06.10.2024, it is contended that no such incident, as alleged, had taken place. It is next contended that the mother of the victim and the applicant were in a consensual relationship for considerable period of time. Civil suit between the applicant and the mother of the victim is also pending before the court of competent jurisdiction. The present prosecution has been instituted only for the purposes of harassment. No obscene video or photograph of the victim has been collected by the Investigating Officer. At this stage there is no corroborative evidence to link the applicant with the offence. The trial is moving at snail's pace and shows no sign of early conclusion. Criminal history of the applicant has been explained in Paragraph Nos. 4 to 9 of the supplementary affidavit. The

applicant is in jail since 12.05.2025 and if he is released on bail, he will not misuse the said liberty.

4. Learned Brief Holder for the State and learned counsel for the informant have 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 first information report has been lodged belatedly. Prior enmity exists between the applicant and the victim's mother. Civil suit between the applicant and the mother of the victim is also pending before the court of competent jurisdiction. No obscene video or photograph of the victim has been collected by the Investigating Officer. At this stage there is no corroborative evidence to link the applicant with the offence. Moreover, the applicant has remained confined for more than a year and five months and 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- Monu Rathi, 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.

October 23, 2026
SKT/-

(Vivek Varma,J.)

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