HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 5897 of 2026

Ahmad Raza

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mohammad Zafar Yab Khan, Shahroze Khan
Counsel for Opposite Party(s)	:	Anjum Vishakarma, G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Shri V.P. Tripathi, learned A.G.A. for the State submits that the notice of the present application has been served upon the opposite party no.2/informant on 31.10.2025 and opposite party no.4/C.W.C. on 02.02.2026. The receiving endorsements produced by learned A.G.A. are taken on record. However, no one appears on behalf of the said opposite parties nor any counter affidavit has been filed on their behalf.

2. Heard counsel for the applicant, learned AGA for the State and Ms. Anjum Vishakarma, counsel for the High Court Legal Service Committee. Perused the material available on record.

3. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 198 of 2025, under Sections 64(2)(i) of B.N.S. and 3/4 of POCSO Act, Police Station- Itwa, District- Siddharth Nagar, during the pendency of trial.

4. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. The applicant has not acted indecently with the victim. Further, during the course of trial, the informant was examined as P.W.-1 and the victim was examined as P.W.-2. P.W.-1 (informant) in her cross-examination has not supported the prosecution case, whereas P.W.-2 (victim) in her examination-in-chief has not supported the prosecution case and she has been declared hostile by the trial court vide order dated 3.8.2026. The testimonies of both the prosecution witnesses are collectively annexed as Annexure RA-1 to the supplementary affidavit. The applicant is in jail since 10.11.2025 having no criminal antecedents and in case, he is

enlarged on bail, he will not misuse the said liberty.

5. Learned AGA for the State has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard counsel for the parties and having perused the record this Court prima facie finds that during the course of trial, P.W.-1 (informant) in her cross-examination has not supported the prosecution case, whereas P.W.-2 (victim) in her examination-in-chief has not supported the prosecution case and she has been declared hostile by the trial court. Further, the applicant has no criminal antecedents and has remained confined for more than eleven months and there is no hope of early conclusion of trial, more so when 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, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant **Ahmad Raza**, involved in the aforesaid case crime be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the 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;

(iii) shall not pressurize the prosecution witnesses.

8. 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

Manish Kr

(Vivek Varma,J.)

Digitally signed by :-
MANISH KUMAR
High Court of Judicature at Allahabad