HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 7831 of 2026

Raja @ Vishal @ Golu

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ankit Kumar Singh, Arvind Kumar, Dev Raj Singh, Pravin Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. As per the office report dated 23.03.2026, service report is awaited.

2. Sri Rupak Chaubey, learned A.G.A. for the State submits that the notice of the present application has been served upon the informant/opposite party no.2 and C.W.C./opposite party no.3 on 25.02.2026. 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.

3. Heard Sri Devraj Singh and Sri A.K. Verma, counsels for the applicant and learned A.G.A. for the State. Perused the material available on record.

4. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 258 of 2025, under Sections 137(2), 87, 65(1), 123, 351(3) of B.N.S. and 3/4(2) of POCSO Act, Police Station- Panki, District- Kanpur Nagar, during the pendency of trial.

5. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 01.07.2025, whereas the first information report was lodged on 04.07.2025. The delay in lodging the first

information report is fatal to the prosecution case. The victim is a major. The age of the victim was incorrectly got registered in the school records by the victim's parents to give her advantage in life. There is no lawful basis for the age related entry of the victim in the school records. The applicant has not acted indecently with the victim. Placing reliance upon the statements of the victim recorded under Section 180 B.N.S.S. and 183 B.N.S.S., it is contended that there are vague and general allegations against the applicant. As per the said statements, no specific allegation of rape has been levelled against the applicant. As per the medical examination report, no injury was found on the body of the victim. Further, there are inconsistencies in the first information report and the statements of the victim recorded under Section 180 and 183 B.N.S.S. The said inconsistencies discredit the prosecution case at this stage. There is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 12.7.2025 having no criminal antecedents and in case he is enlarged on bail, he will not misuse the said liberty.

6. Learned A.G.A. for the State has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

7. Having heard counsel for the parties and having perused the record, this Court *prima facie* finds that the first information report has been lodged belatedly. As per the statements of the victim recorded under Section 180 B.N.S.S. and 183 B.N.S.S., vague and general allegations have been levelled against the applicant. As per the medical examination report, no injury was found on the body of the victim. There are inconsistencies in the first information report and the statements of the victim under Section 180 and 183 B.N.S.S. At this stage, there is no corroborative evidence to link the applicant with the offence. Moreover, the applicant has no criminal antecedents and has remained confined for more than one year and three 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 the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant **Raja @ Vishal @ Golu**, involved in the aforesaid case 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; and,

(iii) shall not pressurize the prosecution witnesses.

9. 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