2026:AHC:207476

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 21317 of 2026

Aditya Srivastava

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Amit Pandey, Santosh Kumar Kesarwani
Counsel for Opposite Party(s)	:	Abhishek Dubey, G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant, Sri N.K. Mishra, learned Brief Holder for the State and Ms. Nivedita Chaddha, Advocate holding brief of Sri Abhishek Dubey, counsel for the informant. Perused the record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 271 of 2026, under Sections 64(2)m, 65(1), 308(3), 126(2), 352, 351(2) B.N.S., and Section 3/4(2) and 5L/6 POCSO Act, Police Station- Bhelupur, District- Varanasi during pendency of the trial.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The applicant is in jail since 10.5.2026. In case, the applicant is enlarged on bail, he will not misuse the liberty of bail and will cooperate with the trial.

4. Per contra, learned Brief holder for the State and counsel for the informant have opposed the prayer for bail.

5. Having heard learned counsel for the parties and upon perusal of record, this Court prima facie finds that as per the allegations contained in the first information report, a specific role of committing rape upon the victim has been assigned to the applicant. The victim, in her statements recorded under Sections 180 and 183 B.N.S.S. has supported the prosecution version. According to the academic record, the victim was a minor on the alleged date of occurrence. A Vivo V40 mobile phone was also recovered from the possession of the applicant. As per the relevant

extract of the case diary (annexed as C.A.-3 to the counter affidavit) the said mobile phone contained the obscene videos and indecent photograph of the victim. At this stage, enlarging the applicant on bail will not be conducive to a fair trial.

6. Considering the gravity of the offence, specific role assigned to the applicant, age of the victim and the material available on record, in my opinion, this is not a fit case for grant of bail.

7. Accordingly, the bail application is rejected.

8. However, it is observed that the trial court would endeavour to conclude the trial expeditiously.

9. Office is directed to send a copy of this order to the court concerned for information.

(Vivek Varma,J.)

October 5, 2026
S.S.

Digitally signed by :-
SIDDHARTH SRIVASTAVA
High Court of Judicature at Allahabad