2026:AHC:227347

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 26018 of 2026

Abhinandan Tripathi

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Abhishek Awasthi, Aradhana Singh, Momi Dey, Ruchi Verma, Vinay Srivastava
Counsel for Opposite Party(s)	:	G.A., Sindhuja Rathi Bhargava

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Counsel for the applicant is permitted to correct the prayer clause of the bail application during the course of the day.

2. Learned AGA for the State submits that notice of this bail application has been served upon the opposite party no. 4/informant on 27.7.2026. However, no one appears on behalf of the said opposite party nor any counter affidavit has been filed on her behalf.

3. Heard learned counsel for the applicant, Sri N.K. Sharma, learned A.G.A. for the State and Ms. Sindhuja Rathi Bhargava, counsel for the opposite party no.2. Perused the record.

4. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 18 of 2026, under Section 64 B.N.S., and Section 3/4 of POCSO Act, Police Station- Pheelkhana, District- Kanpur Nagar during pendency of the trial.

5. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. The first incident is alleged to have taken place on 25.1.2026 and the second incident on 3.4.2026. However, the first information report was lodged on 7.4.2026. The inordinate 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. As per the report of Chief Medical Officer, Kanpur Nagar dated 10.4.2026, the victim was found aged 17 years. The range of error in determining the age is about two years and the same should be read in favour of the applicant at this stage. Placing reliance upon the statements of the victim recorded under Sections 180 and 183 B.N.S.S., it is contended that the victim had accompanied the applicant to public places on 25.1.2026 and 5.4.2026 but she did not raise any protest or alarm. Such conduct of the victim shows that she was a consenting party. As per the medical examination report dated 8.4.2026, no external injury was found. No indecent video or photograph of the victim has been collected by the investigating officer. The applicant is in jail since 9.4.2026 having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.

6. Learned A.G.A. for the State and counsel for the opposite party no.2 have 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 Sections 180 and 183 B.N.S.S., she had accompanied the applicant to public places on 25.1.2026 and 5.4.2026 but she did not raise any protest or alarm. As per the medical examination report dated 8.4.2026, no external injury was found. No indecent video or photograph has been collected by the investigating officer. The applicant has no criminal antecedents. Further, the applicant has presently remained confined for more than six 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 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, Abhinandan Tripathi involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

i. the applicant shall not tamper with the prosecution evidence;

ii. the applicant shall not pressurize the prosecution witness;

iii. the applicant shall appear on each and every date fixed by the trial court.

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.

(Vivek Varma,J.)

November 2, 2026
S.S.

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