2026:AHC:227026

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 27223 of 2026

Manoj Saini

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rahul Singh Dahiya
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Learned A.G.A. submits that notice of the present application has been served upon the informant- opposite party no. 2 on 20.10.2026. However, no one appears on behalf of the said opposite party nor any counter affidavit has been filed on her behalf.

2. Heard learned counsel for the applicant and Sri Neeraj Kumar Sharma, learned A.G.A. for the State-opposite party.

3. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 37 of 2026, under Sections 137(2), 142, 351(2), 115(2), 65(1) B.N.S. and 5J(11)/6 POCSO Act, Police Station Anoopshahar, District Bulandshahr during the pendency of the trial.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. It is contended that the victim was major on the date of the alleged incident. As per the report of the Medical Board dated 30.03.2026, the victim was found aged 18-19 years. Placing reliance upon the statements of the victim recorded under Sections 180 and 183 B.N.S.S. it is contended that the informant/ victim stayed with the applicant for considerable period of time. She was present at public places and neither did she raise any alarm nor resisted the applicant. Such conduct of the victim shows that she was a consenting party. It is further contended that relation between the applicant and the victim/ informant was consensual in nature. From the said relations a baby girl was born. In this regard, reliance has been placed upon the birth certificate dated 04.06.2022, annexed at Page 114 of the paper-book. The applicant is in jail since 11.04.2026

having no criminal history and if he is released on bail, he will not misuse the said liberty.

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

6. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that as per the report of the Medical Board dated 30.03.2026, the victim was found aged 18-19 years. As per the statements of the victim recorded under Sections 180 and 183 B.N.S.S., the informant/ victim stayed with the applicant for considerable period of time. She was present at public places and neither did she raise any alarm nor resisted the applicant. Such conduct of the victim shows that she was a consenting party. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than six months and after submission of the charge-sheet 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.

7. Let the applicant- Manoj Saini, 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.

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.

November 2, 2026
SKT/-

(Vivek Varma,J.)

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