HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 27680 of 2026

Dharamvir Kashyap

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Vijeta Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant, Sri N.K. Sharma, learned A.G.A. for the State and perused the record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 590 of 2025, under Sections 115(2), 329(4), 351(3), 352, 64(2)(F), 64(2(m) B.N.S., and section 5/N/6 of POCSO Act, Police Station- Tilhar, District- Shahjahanpur during pendency of the trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. During the course of trial, the informant was examined as PW-1 and the victim was examined as PW-2. The P.W-1/informant in his cross-examination has not supported the prosecution case, whereas the PW-2 in the examination-in-chief has not supported the prosecution case and has been declared hostile by the trial court vide order dated 14.10.2026. The testimonies of both the aforesaid prosecution witnesses are collectively annexed as S.A.-1 to the supplementary affidavit. The applicant is in jail since 24.12.2025 having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.

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

5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the P.W-1/informant in his cross-examination

has not supported the prosecution case, whereas the PW-2 in the examination-in-chief has not supported the prosecution case and he has been declared hostile by the trial court vide order dated 14.10.2026. The applicant has no criminal antecedents. Further the applicant has presently remained confined for more than ten 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.

6. Let the applicant, **Dharamvir Kashyap** 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.

7. 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.)

October 27, 2026
S.S.

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