2026:AHC:209219

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 29380 of 2026

Rajesh Kashyap

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

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

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Sri Nagendra Kumar Mishra, learned Brief Holder 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.4. The receiving endorsements produced by learned Brief Holder 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.

2. Heard counsel for the applicant and learned Brief Holder for the State. Perused the material available on record.

3. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 417 of 2025, under Sections 137(2), 87, 65(1) B.N.S. and Section 5j(ii)/6 of POCSO Act, Police Station- Kamalganj, District- Farrukhabad, during the pendency of trial.

4. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 25.11.2025, whereas the first information report was lodged on 20.12.2025. 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. Further, the victim in her statements recorded under Section 180 B.N.S.S. and 183 B.N.S.S. stated that she had voluntarily left her house and went to Mainpuri, thereafter she accompanied the applicant to Noida and Rajasthan. She further stated that she had married the applicant and both started living as husband and wife. She is also carrying a pregnancy. It is next contended that there is no allegation of any forceful assault against the applicant. Further, the victim was taken by public transport to Noida and Rajasthan and she was present at public places, but she did not raise any protest or alarm. Such conduct of the victim shows that she was a consenting party. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 25.6.2026 having no criminal antecedents and in case he is enlarged on bail, he will not misuse the said liberty.

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

6. Having heard counsel for the parties and having perused the record, this Court *prima facie* finds that there is inordinate delay in lodging the first information report. The victim was taken by public transport to Noida and Rajasthan and she was present at public places, but she did not raise any protest or alarm. The conduct of the victim shows that she was a consenting party. There is no allegation of any forceful assault against the applicant. 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 three months and after submission of the charge sheet 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.

7. Let the applicant **Rajesh Kashyap**, 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.

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.

October 6, 2026

Manish Kr

(Vivek Varma,J.)

Digitally signed by :-
MANISH KUMAR
High Court of Judicature at Allahabad