2026:AHC:210774

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 28202 of 2026

Sirajuddin @ Channa

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Harish Chandra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Learned AGA submits that notice of this bail application has been served upon the opposite party no. 3/C.W.C. and opposite party no.2/informant on 10.8.2026. The receiving endorsements, produced by learned AGA 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 learned counsel for the applicant, Sri N.K. Sharma, learned A.G.A. for the State and perused the record.

3. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 263 of 2026, under Sections 75, 351(3), 64(1) B.N.S., and Section 7/8 of POCSO Act, Police Station- Muradnagar, District- Ghaziabad during pendency of the trial.

4. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. The first information report has been lodged belatedly. The applicant had not acted indecently with the victim. No indecent photograph of the victim has been collected by the investigating officer. It is contended that neither the F.I.R. nor the statement of the victim recorded under Section 180 B.N.S.S. discloses the specific date and time of the alleged incident. Further, an exaggerated version has been narrated in the statement of the victim under Section 183 B.N.S.S. to aggravate the offence and to save the failing prosecution case. The victim refused to get herself medically examined by a doctor. The criminal history of the applicant has been explained in para 31 of the affidavit filed in support of the bail

application. The applicant is in jail since 13.6.2026. In case he is enlarged on bail, he will not misuse the said liberty.

5. Learned A.G.A. for the State 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 the first information report has been lodged belatedly. No indecent photograph of the victim have been collected by the investigating officer. Neither the F.I.R. nor the statement of the victim recorded under Section 180 B.N.S.S. discloses the specific date and time of the alleged incident. The applicant has no criminal antecedents. Further, the applicant has presently remained confined for more than two 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.

7. Let the applicant, Sirajuddin @ Channa 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.

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.

(Vivek Varma,J.)

October 8, 2026
S.S.

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