2026:AHC:211401

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 29148 of 2026

Umesh Kumar @ Uday Baghel

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s) : Madhu Lata Singh, Rafeek Ahmad Khan
Counsel for Opposite Party(s) : G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Learned Brief Holder for the State submits that notice of the present application has been served upon the informant- opposite party no. 2 and the Child Welfare Committee, Ghazipur- opposite party no. 3 on 08.08.2026 and 11.08.2026 respectively. The receiving endorsements produced by the learned Brief Holder for the State 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 and Sri Nagendra Kumar Mishra, learned Brief Holder 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. 24 of 2026, under Sections 87, 137(2), 64 B.N.S. and 3/4 POCSO Act, Police Station Rampur Manjha, District Ghazipur during the pendency of the trial.

4. Learned counsel for the applicant submits that the applicant was not named in the first information report and has been falsely implicated in the present case. The victim is a major girl. 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 disclosing her age and the entries made are unbelievable. Further, according to the supplementary medico legal report, the applicant was found to be aged between 18 to 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 victim had voluntarily left her parental house and had gone to Varanasi and

Allahabad. At Allahabad she accompanied the applicant to Delhi and Gurugram. It is contended that the victim was present at public places. She did not raise any alarm nor did she resist the applicant. Such conduct 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 09.07.2026 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 supplementary medico legal report, the applicant was found to be aged between 18 to 19 years. The victim was present at public places. She did not raise any alarm nor did she resist the applicant. At this stage there is no corroborative evidence to link the applicant with the offence. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for almost three 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- Umesh Kumar @ Uday Baghel, 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.

October 8, 2026
SKT/-

(Vivek Varma,J.)

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