2026:AHC:209324

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 28153 of 2026

Vikki Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s) : Om Prakash Singh, Ram Chandra Solanki

Counsel for Opposite Party(s) : G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Sri N. K. Sharma, learned AGA, on the basis of instructions, submits that the opposite party no.2/ informant has refused to receive the notice of the instant application. In this regard, relevant extract of the case diary dated 28.07.2026, produced by learned AGA is taken on record. He further submits that the notice of the instant application has also been served upon the opposite party no.3/C.W.C. on 28.07.2026. The receiving endorsement produced by learned A.G.A. is also taken on record. However, no one appears on behalf of the said opposite party nor any counter affidavit has been filed on his behalf.

2. Heard learned counsel for the applicant, Sri N. K. Sharma, learned AGA for the State.

3. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 397 of 2025, under Sections 137(2), 87, 64(1) of Bhartiya Nyaya Sanhita, 2023 and Section 5 J(ii)/6 POCSO Act, Police Station Jhagahan, District Gorakhpur, during the pendency of the trial.

4. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 15.08.2025, whereas the first information report was lodged on 17.08.2025. The 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 disclosing her age and the entries made are unbelievable. Further, the victim in her statements recorded under Sections 180 and 183 BNSS has stated that she had voluntarily left her house, accompanied the applicant to Mumbai, solemnized marriage with him, and both started living as husband and wife. She has also stated that she is carrying a pregnancy. There is no allegation of any forceful assault against the applicant. The applicant is in jail since 13.06.2026 having no criminal history. In case he is enlarged 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 counsel for the parties and having perused the record, this Court prima facie finds that the first information report has been lodged belatedly. The victim in her statements recorded under Sections 180 and 183 BNS has stated that she had voluntarily left her house, accompanied the applicant to Mumbai, solemnized marriage with him, and both started living as husband and wife. There is no allegation of any forceful assault against the applicant. Further, the applicant has no criminal antecedents and has remained confined for more than three months and after submission of 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 merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant, **Vikki Kumar** 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 Cou**rt.**

October 7, 2026
Abhishek

(Vivek Varma,J.)

Digitally signed by :-
ABHISHEK SINGH
High Court of Judicature at Allahabad