2026:AHC:227442

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 28143 of 2026

Rajendra Yadav

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Om Prakash Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Learned AGA submits that the notice of the present bail application has been served upon the opposite party nos.3 and 4 on 28.7.2026. 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. 20 of 2022, under Sections 147, 328, 344, 363, 366, 376-D, 504, 506, 120-B I.P.C., and 5/6 POCSO Act, Police Station- Poorakalan, District-Lalitpur during pendency of the trial.

4. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. Prior to the lodging of the first information report, the father-in-law of the informant/victim lodged a missing report on 6.10.2021 at 08.46 hours, G.D. No. 015, P.S. Poorakalan, District Lalitpur. On 1.11.2021, the victim appeared at the police station along with her father and grand-father and submitted an application stating that she had left her

matrimonial house voluntarily. In this regard, reliance has been placed upon the report of Sub-inspector, P.S. Poorakalan, District Lalitpur addressed to C.J.M., Lalitpur. It is next contended that subsequently on 14.12.2021, the informant/victim filed an application under Section 156(3) Cr.P.C. for the registration of first information report against the applicant and others. The first information report has been lodged belatedly. No such incident, as alleged ever occurred. The victim is a major. She had left her in-law's house voluntarily and returned after 24 days. The victim refused to get herself medically examined. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 8.6.2026 having no criminal history. 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. As per the report of the Sub-inspector, P.S. Poorakalan, District Lalitpur, on 1.11.2021 the victim appeared at the police station along with her father and grand-father and submitted an application stating that she had left her matrimonial house voluntarily. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant has no criminal antecedents. Further, the applicant has presently remained confined for more than four 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, **Rajendra Yadav** 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.

November 2, 2026
S.S.

(Vivek Varma,J.)

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