2026:AHC:210291

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 28193 of 2026

Taufik

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Abhishek Singh, Akshaivar Singh
Counsel for Opposite Party(s) : Akash Pundir, G.A., Pawan Singh Pundir

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Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant, Sri Manoj Gautam, learned A.G.A. for the State-opposite party, and Sri Akash Pundir, learned counsel for the informant.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 185 of 2026, under Sections 64(1), 351(3) B.N.S., Police Station Rampur Maniharan, District Saharanpur during the pendency of the trial.

3. Learned counsel for the applicant submits that the applicant is the brother-in-law (Devar) of the informant/victim and has been falsely implicated in the present case owing to certain other disputes between the parties. The incident is alleged to have occurred on 24.04.2026, whereas the first information report was lodged on 04.06.2026. The inordinate delay in lodging the first information report is fatal to the prosecution case. It is contended that neither the first information report nor the statements of the victim recorded under Sections 180 and 183 B.N.S.S. disclose the specific date and time of the alleged incidents. It is next contended that the applicant had not acted indecently with the victim. The report of the medical examination conducted on 05.06.2026 also does not corroborate the prosecution version. The applicant is in jail since 06.07.2026 and if he is released on bail, he will not misuse the said liberty.

4. Learned A.G.A. and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the first information report has been lodged belatedly. Neither the first information report nor the statements of the victim recorded under Sections 180 and 183 B.N.S.S. disclose the specific date and time of the alleged incidents. The medical report also does not corroborate the prosecution version. 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.

6. Let the applicant- Taufik, 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.

7. 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 7, 2026
SKT/-

(Vivek Varma,J.)

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