2026:AHC:208276

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 28886 of 2026

Afsar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Akshay Mishra, Zeeshan Mazhar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Learned Brief Holder submits that notice of this bail application has been served upon the opposite party no. 2/C.W.C. on 10.8.2026 and upon opposite party no. 4/informant on 7.8.2026. 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 Anupam Anand, learned Brief Holder 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. 182 of 2026, under Sections 137(2), 352 and 64(2) B.N.S., and Section 5L and 6 of POCSO Act, Police Station- Kotwali Dehat, District- Mirzapur during pendency of the trial.

4. Counsel for the applicant submits that the applicant has been falsely implicated in the present 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. Further, the victim in her statements recorded under Sections 180 and 183 B.N.S.S. stated that she had voluntarily left her house, accompanied the applicant by bus to Prayagraj and thereafter by train to Ghaziabad, stayed with him and established relations with him. There is no allegation of any forceful assault against the applicant. The applicant is in jail since 3.5.2026 having no criminal history.

In case he is enlarged on bail, he will not misuse the said liberty.

5. Learned Brief Holder 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 victim in her statements recorded under Sections 180 and 183 B.N.S.S. stated that she had voluntarily left her house, accompanied the applicant by bus to Prayagraj and thereafter by train to Ghaziabad, stayed with him and established relations with him. There is no allegation of any forceful assault against the applicant. The applicant has no criminal antecedents. Further, the applicant has presently remained confined for more than five 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, Afsar 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 6, 2026
S.S.

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