2026:AHC:211492

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 28123 of 2026

Golu Kushwaha

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Atul Kumar Dwivedi, Nanhe Lal Tripathi
Counsel for Opposite Party(s) : G.A., Kripa Shankar Pandey

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard counsel for the applicant and Sri Kripa Shankar Pandey, learned counsel for the informant and Sri V.P. Tripathi, learned AGA for the State-opposite party. Perused the material available on record.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 0132 of 2026, under Sections 333, 64(1), 115(2), 351(3) B.N.S., Police Station- Talbehat, District- Lalitpur, during the pendency of the trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case owning to certain other dispute between the parties. The incident is alleged to have occurred on 26.04.2026, whereas the first information report was lodged on 30.04.2026. The delay in lodging the first information report is fatal to the prosecution case. The applicant did not act inappropriately with the victim nor did he assaulted her. The medical examination report dated 30.04.2026 does not support the prosecution case. False recovery of a shirt and slipper has been shown from the house of the informant. There is no independent witness to the alleged recovery. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 02.05.2026 having no criminal antecedents and in case, he is enlarged on bail, he will not misuse the said liberty.

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

5. 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 medical examination report does not support the prosecution case. There is no independent witness to the alleged recovery. At this stage, there is no corroborative evidence to link the applicant with the offence. Further, the applicant has no criminal antecedents and has presently remained confined for more than five months and after submission of the 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 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.

6. Let the applicant, **Golu Kushwaha**, 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.

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 8, 2026
Abhishek

(Vivek Varma, J.)

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