2026:AHC:210505

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30087 of 2026

Sujeet @ Surjeet

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ankit Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Sri Ashutosh Dwivedi, Advocate, has filed his Vakaltnama on behalf of the informant. The same is taken on record.

2. Heard learned counsel for the applicant, Sri Neeraj Kumar Sharma, learned A.G.A. for the State-opposite party, and Sri Ashutosh Dwivedi, learned counsel for the informant.

3. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 49 of 2026, under Sections 70(2), 115(2), 137(2), 351(3), 3(5) B.N.S. and 5(1)/6 POCSO Act, Police Station Nandgram, District Ghaziabad during the pendency of the trial.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 26.01.2026, whereas the first information report was lodged on 28.01.2026. The delay in lodging the first information report is fatal to the prosecution case. As per the ossification report, the victim was found aged 15 years. It is contended that the relevant scientific parameters as per latest medical protocol which would establish the majority of the victim has been excluded from consideration in the medical report. The medical report is flawed. In fact, the victim is a major. It is next contended that as per the statements of the victim recorded under Sections 180 and 183 B.N.S.S., she had

accompanied the applicant on a scooty. Such conduct of the victim indicates her voluntary participation, as it appears improbable that a person could be forcibly taken on a scooty without any resistance, protest or alarm being raised by her. Further, there are material inconsistencies in the statements of the victim under Sections 180 and 183 B.N.S.S. regarding the identity and number of persons who allegedly acted indecently with the victim. In her statement under Section 180 B.N.S.S., the victim alleged that the applicant alone acted indecently with her, while in her statement under Section 183 B.N.S.S. she alleged involvement of two other accused in the commission of the alleged act. The inconsistencies in the said statements discredit the prosecution case at this stage. The medical examination report dated 28.01.2026 also does not support the prosecution case. There is neither any CCTV footage nor there is any corroborative evidence to link the applicant with the offence. Investigation has been completed and charge-sheet has been filed. The applicant is in jail since 30.01.2026 having no criminal history and if he is released on bail, he will not misuse the said liberty.

5. 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.

6. 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. There are inconsistencies in the statements of the victim under Sections 180 and 183 B.N.S.S. which discredit the prosecution case at this stage. The medical examination report dated 28.01.2026 also does not support the prosecution case. 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 more than eight 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.

7. Let the applicant- Sujeet alias Surjeet, 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.

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.

October 7, 2026
SKT/-

(Vivek Varma,J.)

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