2026:AHC:211527

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 28072 of 2026

Dipanshu Yadav

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ajay Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Learned A.G.A. submits that the notice of the instant application has been served upon the opposite party no.2/informant on 05.08.2026 and opposite party no.3/C.W.C. on 09.08.2026. The receiving endorsements produced by learned A.G.A. 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 N. K. Sharma, learned A.G.A. for the State-opposite party. Perused the material on record.

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), 140(3) B.N.S. and Section 5G/6 POCSO Act, Police Station Chola, District Bulandshahr during the pendency of the trial.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. During trial, the victim and the informant were examined as PW-1 and PW-2 respectively. Both the prosecution witnesses have not supported the prosecution case and have been declared hostile by the trial Court vide orders dated 26.05.2026 and 08.06.2026. The testimonies of PW-1 and PW-2 are annexed as Annexure-11 to the affidavit. Identically placed co-accused Prince Yadav has already been granted bail by this Court vide order dated 15.07.2026 passed in Criminal Misc. Bail Application No.23059 of 2026. The applicant claims parity. The applicant is in jail since 05.03.2026 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 during trial, the victim and the informant, who were examined as PW-1 and PW-2 respectively, have not supported the prosecution case and have been declared hostile by the trial Court. Identically placed co-accused Prince Yadav has already been granted bail by this Court. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than seven 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- **Dipanshu Yadav,** 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 8, 2026
Abhishek

(Vivek Varma, J.)

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