2026:AHC:209392

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 28940 of 2026

Rohit

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Pradip Narain Singh, Rajesh Kumar Singh
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.4/C.W.C. on 05.08.2026. 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 counsel for the applicant, Sri N. K. Sharma, learned AGA for the State-opposite party. Perused the material available on record.

3. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 646 of 2025, under Sections 137(2), 65(1) B.N.S. and Section 3/4(2) POCSO Act, Police Station- Vijaynagar, District- Ghaziabad, during the pendency of the trial.

4. Learned counsel for the applicant contends that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 26.12.2025, whereas the first information report was lodged on 27.12.2025. The delay in lodging the first information report is fatal to the prosecution 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 disclosing her age and the entries made are unbelievable. Placing reliance upon the statements of the victim, recorded under Sections 180 and 183 B.N.S.S., it is contended that the victim was present at public places along with the applicant and she did not raise any protest or alarm. Such conduct of the victim shows that she was a consenting party. At this stage there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 29.12.2025 having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.

5. Learned A.G.A. has 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 first information report has been lodged belatedly. The victim was present at public places along with the applicant but she did not raise any protest or alarm. Such conduct of the victim shows that she was a consenting party. At this stage, there is no corroborative evidence to link the applicant with the offence. Further, the applicant has remained confined for more than nine months and after submission of 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 delay the trial or intimidate the witness, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant, **Rohit** 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.

October 7, 2026
Abhishek

(Vivek Varma, J.)

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