2026:AHC:210894

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 28915 of 2026

Jogesh Yadav @ Yogesh Yadav Alias Jugesh Yadav

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Arpit Malviya, Awadhesh Kumar Malviya
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Sri Manoj Gautam, learned A.G.A. submits that the notice of the present application has been served upon the informant/opposite party no.4 on 02.08.2026 and C.W.C./opposite party no.3 on 06.08.2026. 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 and learned A.G.A. for the State. Perused the material available on record.

3. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 91 of 2026, under Sections 137(2), 87, 64(1), 62 B.N.S., Sections 3/4, 18 of POCSO Act and Section 3(2)V of SC/ST Act, Police Station- Dildarnagar, District- Ghazipur, during the pendency of trial.

4. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 28.04.2026. The first information report was lodged on 05.05.2026. 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. As per the statement of the victim recorded under Section 183 B.N.S.S. there is no allegation of rape against the applicant. It is next contended that the victim was present at public places, but she did not raise any protest or alarm. Such conduct of the victim shows that she was a consenting party. It is further contended that the allegations constituting violations of the SC/ST Act are general in nature and have been introduced to lend colour to the present story. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 13.6.2026 having no criminal antecedents and in case he is enlarged on bail, he will not misuse the said liberty.

5. Learned A.G.A. for the State 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. As per the statement of the victim recorded under Section 183 B.N.S.S. there is no allegation of rape against the applicant. The victim was present at public places, 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. Moreover, the applicant has no criminal antecedents and has remained confined for almost four 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 delay the trial 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 **Jogesh Yadav @ Yogesh Yadav Alias**

Jugesh Yadav, involved in the aforesaid case be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the 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

Manish Kr

(Vivek Varma,J.)

Digitally signed by :-
MANISH KUMAR
High Court of Judicature at Allahabad