HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 29289 of 2026

Ajay Kumar @ Karan

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Daya Shanker Pandey, Rakesh Kumar Srivastava
Counsel for Opposite Party(s)	:	Abhishek Gupta, G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard Sri Daya Shanker Pandey, learned counsel for the applicant, Sri Neeraj Kumar Sharma, learned A.G.A. for the State-opposite party, and Sri Abhishek Gupta, learned counsel for the informant.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 441 of 2026, under Sections 137(2), 64(1) B.N.S. and 5(1)/6 POCSO Act, Police Station Bisrakh, District Gautam Budh Nagar during the pendency of the trial.

3. 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 28.06.2026, whereas the first information report was lodged on 04.07.2026. The inordinate 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. Further, the victim in her statements recorded under Sections 180 and 183 B.N.S.S. has stated that she voluntarily left her parental house, accompanied the applicant, stayed with him and established relations. There is no allegation of any forceful assault against the applicant. The applicant is in jail since 05.07.2026 and if he is released on bail, he will not misuse the said liberty.

4. 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.

5. 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. The victim in her statements recorded under Sections 180 and 183 B.N.S.S. has stated that she voluntarily left her parental house, accompanied the applicant, stayed with him and established relations. There is no allegation of any forceful assault against the applicant. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than three 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.

6. Let the applicant- Ajay Kumar @ Karan, 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.

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 24, 2026
SKT/-

(Vivek Varma,J.)

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