2026:AHC:208264

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 28876 of 2026

Nitin

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

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

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Learned AGA submits that notice of this bail application has been served upon the opposite party no. 4/C.W.C. on 6.8.2026 and upon opposite party no. 2/informant on 5.8.2026. The receiving endorsements, produced by learned AGA 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 V.P. Tripathi, learned A.G.A. for the State and perused the record.

3. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 326 of 2026, under Sections 64(1), 351(2) B.N.S., and Section 3/4 of POCSO Act, Police Station- Najibabad, District- Bijnor during pendency of the trial.

4. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 24.6.2026, whereas the first information report was lodged on 1.7.2026. 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. As per the report of Chief Medical Officer dated 7.7.2026 the victim was found aged above 18 years and below 21 years. No indecent video or any photograph of the victim has been collected by the investigating officer. Placing reliance upon the statements of the victim recorded under Sections 180 and 183 B.N.S.S. it is contended that the applicant and the victim were in consensual relationship. As per the medical examination conducted on 7.7.2026 no mark of injury was seen on the body of the victim. The applicant is in jail since 1.7.2026 having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.

5. Learned A.G.A. for the State 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 report of Chief Medical Officer dated 7.7.2026 the victim was found aged above 18 years and below 21 years. No indecent video or any photograph of the victim has been collected by the investigating officer. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant has no criminal antecedents. Further, the applicant has presently remained confined for more than three months and 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 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, Nitin 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 6, 2026
S.S.

(Vivek Varma,J.)

Digitally signed by :-
SIDDHARTH SRIVASTAVA
High Court of Judicature at Allahabad