2026:AHC:209743

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 29209 of 2026

Shivam Pal

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Krishna Dutt Awasthi, Rajesh Kumar Mishra
Counsel for Opposite Party(s)	:	G.A., Ravindra Kumar Patel, Rishabh Kumar

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard Sri Rajesh Kumar Mishra and Sri K. D. Awasthi, learned counsels for the applicant and Sri Rishabh Kumar, counsel for the informant as well as Sri N. K. Sharma, learned AGA for the State. Perused the material available on record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.256 of 2026, under Sections 70(2) B.N.S. and Section 3/4(2) of POCSO Act, Police Station- Bidhuna, District-Auraiya, during the pendency of trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 15.7.2026 at 12 PM, whereas the first information report was lodged on 16.7.2026 at 01.58 PM. 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. The applicant did not act inappropriately with the victim. The medical examination of the victim was conducted on 16.7.2026. According to the medical examination, no injury was seen on the body of the victim. It is next contended that during the course of investigation, the informant had submitted an affidavit to the concerned Superintendent of Police stating that no such incident as alleged had occurred. It is further submitted that the applicant is aged 24 years and his future would be jeopardized because of the present false case. At this stage, there is no corroborative evidence to link the applicant with the offence. Identically placed co-accused Deepanshu Pal has already been granted bail by this Court vide order dated 20.08.2026 passed in Criminal Misc. Bail Application No.28433 of 2026. The applicant claims parity. The applicant is in jail since 16.7.2026 having no criminal antecedents and in case he is enlarged on bail, he will not misuse the said liberty.

4. Sri Rishabh Kumar, counsel for the informant/victim does not dispute the submissions advanced by the counsel for the applicant and on the basis of instructions submits that the informant has no objection if the applicant is released on bail.

5. However, learned AGA 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. According to the medical examination, no injury was seen on the body of the victim. At this stage, there is no corroborative evidence to link the applicant with the offence. Identically placed co-accused Dipanshu Pal has already been granted bail by this Court. Moreover, the applicant has no criminal antecedents and has remained confined for more than two 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 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 **Shivam Pal**, 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 7, 2026
Abhishek

(Vivek Varma, J.)

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