2026:AHC:211600

# HIGH COURT OF JUDICATURE AT ALLAHABAD

## CRIMINAL MISC. BAIL APPLICATION No. - 29156 of 2026

Anas

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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|---|---|---|
| Counsel for Applicant(s) | : | Mohammad Zafar Yab Khan, Shahroze Khan |
| Counsel for Opposite Party(s) | : | Dharmendra Kumar Chaubey, G.A., Saurabh Kumar Chaube, Sayeed Saif Ullah, Sufia Saba |

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**Court No. - 64**

**HON'BLE VIVEK VARMA, J.**

1. Heard learned counsel for the applicant, Sri N.K. Sharma, learned A.G.A. for the State and Sri Kripa Shankar, Advocate holding brief of Sri Dharmendra Kumar Chaubey, counsel for the informant. Perused the record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 330 of 2026, under Sections 64(1), 123, 351(3) B.N.S., Police Station- Mandi, District- Saharanpur during pendency of the trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. Placing reliance upon the statement of the victim under Section 183 B.N.S.S. it is contended that the alleged incident had occurred four years ago. The first information report has been lodged belatedly. No indecent video or photograph of the victim has been recovered by the investigating officer. It is further contended that the victim and the applicant were in consensual relationship. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 5.7.2026 having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. for the State and counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that as per the statement of the victim under Section 183 B.N.S.S. the alleged incident had occurred four years ago. The first information report has been lodged belatedly. No indecent video or photograph of the victim has been recovered 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.

6. Let the applicant, **Anas** 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.

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.

**(Vivek Varma,J.)**

**October 8, 2026**
S.S.

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