2026:AHC:209640

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 29223 of 2026

Sipu Yadav

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Raj Kumar Mishra
Counsel for Opposite Party(s)	:	G.A., Jitendra Kumar, Keshav Hari Dixit, Purushottam Dixit

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant, Sri Purushottam Dixit, learned counsel for the informant and Sri N. K. Sharma, learned AGA for the State-opposite party. Perused the material available on record.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 110 of 2026, under Sections 65(1), 126, 351(3) B.N.S. and Section 3/4(2) POCSO Act, Police Station- Ushrahar, District- Etawah, during the pendency of the 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 29.06.2026, whereas the first information report was lodged on 01.07.2026. 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. The first information report was lodged on the basis of information furnished by the victim and it does not contain any allegation of rape. However, the victim in her statements recorded under Sections 180 and 183 B.N.S.S. stated that the applicant had committed rape upon her. It is contended that the said statements of the victim are afterthought and unreliable. As per the medical examination of the victim, conducted on 01.07.2026, no external or internal injury was found on the body of the victim. It is next contended that the material inconsistency between the first information report and statements of the victim recorded under Sections 180 and 183 B.N.S.S. discredits the prosecution case, at this stage. There is no corroborative

evidence to link the applicant with the offence. The applicant is in jail since 03.07.2026 having no criminal history and in case, he is enlarged on bail, he will not misuse the said liberty.

4. Learned counsel for the informant and learned AGA 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 the first information report has been lodged belatedly. There are inconsistencies between the first information report and the statements of the victim recorded under Sections 180 and 183 B.N.S.S. At this stage, there is no corroborative evidence to link the applicant with the alleged offence. 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- **Sipu Yadav**, 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 7, 2026
Abhishek

(Vivek Varma, J.)

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