2026:AHC:210150

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30183 of 2026

Vishal

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s) : Ashok Kumar Mishra, Avesh Mishra
Counsel for Opposite Party(s) : G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Learned A.G.A. submits that notice of the present application has been served upon the informant- opposite party no. 2 and the Child Welfare Committee, Bijnor- opposite party no. 3 on 13.08.2026 and 12.08.2026 respectively. The receiving endorsements produced by the learned A.G.A. 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 and Sri Shashank Shekhar Pandey, learned A.G.A. for the State-opposite party.

3. 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 137(2), 65(1) B.N.S. and 3/4(2) POCSO Act, Police Station Mandavar, District Bijnor during the pendency of the trial.

4. 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 09.04.2026, whereas the first information report was lodged on 20.04.2026. 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. stated that she voluntarily left her house and married the applicant. There is no allegation of any forceful assault against

the applicant. The victim in her statement under Section 180 B.N.S.S. has also stated that she is aged 19 years. The applicant is in jail since 09.06.2026 having no criminal history and if he is released on bail, he will not misuse the said liberty.

5. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the victim in her statement under Section 180 B.N.S.S. stated that she is aged 19 years. Further, in her statements under Sections 180 and 183 B.N.S.S. the victim stated that she voluntarily left her house and married the applicant. There is no allegation of any forceful assault against the applicant. At this stage there is no corroborative evidence to link the applicant with the offence. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for almost four 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.

7. Let the applicant- Vishal, 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.

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
SKT/-

(Vivek Varma,J.)

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