2026:AHC:209683

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30153 of 2026

Bhura

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s) : Mohd. Irfan
Counsel for Opposite Party(s) : Ashiya Parveen, G.A., Harsh Kumar Mishra

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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 Mr. Moinuddin Ahmad, Advocate holding brief of Sri Harsh Kumar Mishra, counsel for the informant. Perused the record.

3. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 34 of 2026, under Sections 137(2), 87, 115(2), 64(2)(M), 351(2) B.N.S., and Section 3/4 of POCSO Act and 3/5(1) Conversion of Religion Act, Police Station- Patwai, District- Rampur 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 17.2.2026, whereas the first information report was lodged on 19.2.2026. 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. Placing reliance upon the statements of the victim recorded under Sections 180 and 183 B.N.S.S., it is contended that the victim had accompanied the applicant to Rampur and Delhi. She was present at various public places, but she did not raise any protest or alarm. Such conduct of the victim shows that she was a consenting party. The medical examination conducted on 23.2.2026 also does not support the prosecution case. The applicant did not persuade the victim for conversion to

another religion. The applicant is in jail since 17.2.2026 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 and counsel for the informant have 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 statements of the victim recorded under Sections 180 and 183 B.N.S.S., the victim had accompanied the applicant to Rampur and Delhi. She was present at various public places, but she did not raise any protest or alarm. The medical examination conducted on 23.2.2026 does not support the prosecution case. The applicant has no criminal antecedents. Further, the applicant has presently remained confined for more than seven 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, Bhura 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.

(Vivek Varma,J.)

October 7, 2026
S.S.

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