2026:AHC:209567

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30089 of 2026

Rajshah Ganesh Gaund

.....Applicant(s)

Versus

State Of Up And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mahima Singh, Sudhanshu Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Learned AGA submits that notice of this bail application has been served upon the opposite party no. 3/C.W.C. on 29.8.2026 and upon opposite party no. 2/informant on 27.8.2026. The receiving endorsements, produced by learned AGA 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, Sri N.K. Sharma, learned A.G.A. for the State and perused the record.

3. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 42 of 2026, under Sections 137(2), 87, 65(1) B.N.S., and Section 4(2) of POCSO Act, Police Station- Jiyanpur, District- Azamgarh during pendency of the trial.

4. Counsel for the applicant submits that the applicant was not named in the first information report and has been falsely implicated in the present case. The incident is alleged to have occurred on 19.1.2026, whereas the first information report was lodged on 24.1.2026. 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. The birth certificate of the victim is not a genuine document and does not reflect her correct date of birth. Further, the victim in her statement recorded under Section 183 B.N.S.S. stated that she had voluntarily left her house, accompanied the applicant to Ballia, solemnized marriage with him and thereafter went to Mumbai. There is no allegation of any forceful assault against the applicant. The applicant is in jail since 24.6.2026 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 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 applicant was not named in the first information report. The first information report has been lodged belatedly. The victim in her statement recorded under Section 183 B.N.S.S. stated that she had voluntarily left her house, accompanied the applicant to Ballia, solemnized marriage with him and thereafter went to Mumbai. There is no allegation of any forceful assault against the applicant. 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.

7. Let the applicant, Rajshah Ganesh Gaund 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.

October 7, 2026
S.S.

(Vivek Varma,J.)

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