2026:AHC:211255

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 31974 of 2026

Kajal @ Manju

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Siddharth Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Shivam Pandey, holding brief of Sri Siddharth Shukla, learned counsel for the applicant and Sri B.P. Singh, learned A.G.A. for the State.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 109 of 2026, under Sections 137(2), 143(4),98, 61(2), 64(2) BNS and Section 16/17 of POCSO Act, Police Station Robertsganj, District Sonbhadra, during the pendency of the trial.

3. It is contended by the learned counsel for the applicant that the applicant is a lady and she has been falsely implicated in the present case and FIR has been lodged after a delay of about 50 days as the alleged incident is said to have taken place on 20.1.2026 and the FIR has been lodged on 9.2.2026 and as per FIR, the victim is said to have called the first informant on 20.12.2025 and even after the said call FIR has been lodged on 9.2.2026. It is next submitted that there is allegation in the FIR that the applicant enticed away the daughter of the first informant and got her forcibly married with three different persons at Agra, Jaipur and Etawah, however, the medico-legal report of the victim does not support the allegations of FIR and her age has been found to be 14 years as per school record, however, there is no High School certificate or the certificate of school first attended and no

radio-logical examination of the victim has been conducted for her age determination. It is also submitted that the applicant has been languishing in jail since 4.6.2026 and she is having no criminal history. It is lastly submitted that in case the applicant is granted bail, she will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts, however, it is submitted that the victim is a minor girl aged about14 years as per school record.

5. FIR has been lodged after a delay of 50 days and as per the allegation in the FIR, the applicant is said to have enticed away the daughter of the first informant and her daughter called her on 20.1.2026 and when the said information was given to the first informant by her daughter on 20.1.2026, FIR has been lodged on 9.2.2026, however, the victim in her statement recorded under Sections 180 and 183 BNSS has stated that she was enticed away by the applicant on 20.12.2025 and she was taken to Agra, Jaipur and Etawah where she was got married to three different persons and thereafter, she returned to Varanasi and called her mother on 20.1.2026. The age of the victim has been found to be 14 years as per school record, however, there is no High School certificate or the certificate of school first attended and no radio-logical examination of the victim has been conducted for her age determination. The applicant has been languishing in jail since 4.6.2026 and she is having no criminal history.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of ***Kapil Wadhawan vs Central Bureau of Investigation*** reported in 2025 SCC OnLine SC 3038 as well as guideline of this Court in the case

of ***Maya Tiwari Vs. State of U.P.*** reported in 2024 SCC Online All 6765 regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Accordingly, the present application is **ALLOWED**.

8. Let the applicant- **Kajal @ Manju** involved in the aforementioned crime be released on bail, on her furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

(i) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(ii) The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

(iv) The applicant shall attend in accordance with the conditions of the bond executed by him.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

12. Office is directed to send a copy of this order to the applicant through **concerned Jail Superintendent** via e-mail or e-prison portal within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in (2024) 10 SCC 685.

October 8, 2026
Abhishek

(Jitendra Kumar Sinha,J.)

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