2026:AHC:207113

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 31113 of 2026

Rajiv Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Arun Kumar Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Sri Anupam Anand, learned Brief Holder for the State submits that the notice of the instant application has been served upon the opposite party no.2/informant on 02.09.2026 and opposite party no.4/C.W.C. on 02.09.2026. However, no one appears on behalf of the said opposite parties nor any counter affidavit has been filed on their behalf.

2. Heard counsel for the applicant, Sri Anupam Anand, learned Brief Holder for the State-opposite party. Perused the material available on record.

3. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 89 of 2026, under Sections 137(2), 87, 65(1) B.N.S. and Section 5L/6 POCSO Act, Police Station- Kampil, District- Farrukhabad, during the pendency of the trial.

4. Learned counsel for the applicant contends that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 14.05.2026, whereas the first information report was lodged on 21.05.2026. 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. It is next contended that the victim in her statement recorded under Section 183 B.N.S.S., had stated that she voluntarily left her house as her parents wanted to marry her with a 40 years old person. She had accompanied the applicant to Delhi, married him and established relations with him. There is no allegation of any forceful assault against the applicant. The applicant is in jail since 23.06.2026 having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.

5. Learned Brief Holder 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 first information report has been lodged belatedly. The victim in her statement recorded under Section 183 B.N.S.S. stated that she voluntarily left her house as her parents wanted to marry her with a 40 years old person. She had accompanied the applicant to Delhi, married him and established relations with him. There is no allegation of any forceful assault against the applicant. Further, the applicant has remained confined for more than three months and after submission of charge sheet 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 delay the trial or intimidate the witness, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant, **Rajiv Kumar** 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 5, 2026
Abhishek

(Vivek Varma, J.)

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