2026:AHC:207120

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 31153 of 2026

Anuj Nishad

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Vivekanand Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Sri Ram Pratap Yadav, Advocate has filed his Vakalatnama on behalf of the informant, the same is taken on record.

2. Heard counsel for the applicant, Sri Ram Pratap Yadav, learned counsel for the informant and Sri N. K. Sharma, learned AGA 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. 289 of 2026, under Sections 137(2), 87, 65(1) B.N.S. and Section 3/4 POCSO Act, Police Station- Shahpur, District-Gorakhpur, 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 20.06.2026, whereas the first information report was lodged on 24.06.2025. 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 disclosing her age and the entries made are unbelievable. It is next contended that the victim in her statements recorded under Sections 180 and 183 B.N.S.S., had stated that she voluntarily left her house, married the applicant and established relations with him. There is no allegation of any forceful assault against the applicant. The applicant is in jail since 25.06.2026 having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.

5. Learned counsel for the informant does not dispute the submissions advanced by the counsel for the applicant and on the basis of instructions submits that informant has no objection to the applicant being released on

bail.

6. Learned AGA for the State has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

7. 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 statements recorded under Sections 180 and 183 B.N.S.S. had stated that she voluntarily left her house, married the applicant 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.

8. Let the applicant, **Anuj Nishad** 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.

9. 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