HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 32844 of 2026

Pooja Tomar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s) : Mahendra Bahadur Singh, Vijeta Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Ms. Vijeta Singh, learned counsel for the applicant, Sri Rupak Chaubey, learned AGA-I for the State-respondents and perused the record.

2. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant with a prayer to release him on bail in Case Crime No. 681 of 2024 under Sections 65(1), 115(2), 351(3), 61(2), 238 BNS and sections 3/4(2) and 17/18 POCSO Act, registered at Police Station Kannauj, District Kannauj during pendency of the trial.

3. At the very outset, learned AGA-I submits that notice has been served upon the victim.

4. It has been argued by the learned counsel for the applicant that applicant was granted bail in the present case vide order dated 04.12.2024 passed in Crl. Misc. Bail Application No. 38454 of 2024, however, due to her non appearance before the learned trial court, non bailable warrant were issued against her and she was arrested. It is further submitted that applicant is in jail since 27.3.2026 and she is now ready and willing to co-operate in the trial. It is also submitted that the applicant undertakes that she will not misuse the liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

5. On the other hand, learned A.G.A. has opposed the prayer for grant of bail

to the applicant and submits that trial is at the stage of conclusion and the same has been delayed due to non appearance of the applicant.

6. Applicant has already been granted bail in the present case vide order dated 04.12.2024, however, due to her non appearance before the learned trial court, non bailable warrant were issued against her and she was arrested. Applicant is in jail since 27.3.2026 and it is submitted that now she is ready and willing to co-operate in the trial and she has been convicted in a case under Gangster Act.

7. 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.

8. Let the applicant **Pooja Tomar** 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 her.

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.***

(Jitendra Kumar Sinha,J.)

October 24, 2026
Madhurima

Digitally signed by :-
MADHURIMA GARG
High Court of Judicature at Allahabad