HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33226 of 2026

Sukhvendra

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

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

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Sri Shatrughan Yadav, learned AGA submitted that on 10.9.2026 notice has been served to informant but it reflects, despite service of notice none appeared on behalf of informant. Therefore, considering the observation made by co-ordinate Bench of this Court vide order dated 11.1.2021 passed in the case of ***Ajeet Chaudhary vs State Of U.P. and Another (AIR ONLINE 2021 ALL 1149)***, the instant bail application is being heard.

2. Supplementary affidavit filed by learned counsel for applicant is taken on record.

3. Heard Sri Arvind Kumar, Advocate, holding brief of Sri Jitendra Kumar Yadav, learned counsel for applicant, Sri Shatrughan Yadav, learned AGA for the State.

4. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.829 of 2025, under Sections 137(2) 87, 65(1) BNS and Section 3/4(2) POCSO Act and Section 3(2) (V) SC/ST Act, Police Station Puwayan, District Shahjahanpur, during pendency of the trial.

5. Learned counsel for applicant submits, applicant was not named in the FIR, but during investigation through statement of victim recorded by the I.O., he has been made accused in the present matter. He next submits, however, victim, in her both the statements recorded during investigation stated against applicant and she was about 15

years of age but during trial, she did not support the prosecution case and has been declared hostile, and her statement recorded before the trial court has been annexed along with supplementary affidavit dated 26.10.2026.

6. He next submits, applicant is not having any criminal history and in the present matter he is in jail since 09.01.2026 i.e. for last almost 10 months.

7. Per contra, learned A.G.A., however, opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for applicant.

8. I have heard both the parties and perused the record of the case.

9. However, during investigation, name of applicant was revealed through the statement of victim who was 15 years old, but it reflects during trial victim did not support the prosecution case and has been declared hostile.

10. Further, applicant is not having any criminal history and he is in jail for last nine months.

11. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

12. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed.**

13. Let the applicant - **Sukhvendra** be released on bail in the aforesaid case on 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 appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

14. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

15. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

October 27, 2026
Kumar Manish

(Sameer Jain,J.)

Digitally signed by :-
MANISH TRIPATHI
High Court of Judicature at Allahabad