HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33560 of 2026

Sachin Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Babu Lal Ram, Nishant Rao
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Rahul Kumar Sharma, Advocate filed his power on behalf of the informant which is taken on record.

2. Heard Sri Babu Lal Ram, learned counsel for the applicant; Sri Rahul Kumar Sharma, learned counsel for the informant and Sri Shatrughan Yadav, learned AGA for the State-respondent.

3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 46 of 2026, under Sections 64(1), 137(2) BNS and 3/4 POCSO Act, Police Station Kotwali Hasayan, District Hathras, during pendency of the trial in the court below.

4. Learned counsel for the applicant submitted that however as per prosecution applicant committed rape upon minor daughter of the informant but as per prosecution applicant committed rape on 25.7.2024 and FIR of the present case was lodged on 11.3.2026 i.e. after after two years through an application under section 175(3) BNSS and even applicant under section 175(3) BNSS was moved on 23.2.2026 i.e. after almost two years and therefore, FIR of the present case is highly delayed and this fact suggests that it is based on false and fabricated facts.

5. He further submitted that applicant is innocent and he did not commit the alleged offence.

6. He further submitted that applicant is having no previous criminal history and he is in jail in the present matter since 26.6.2026.

7. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicant.

8. I have heard learned counsel for the parties and perused the record of the case.

9. However according to the prosecution applicant committed rape against the victim who was minor but there is delay of about two years in lodging the FIR of the present case and this fact casts serious doubt upon the prosecution case.

10. Further, applicant is having no previous criminal history and he is in jail in the present matter since 26.6.2026.

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-**Sachin Kumar,** 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 29, 2026
Ankita

(Sameer Jain,J.)

Digitally signed by :-
ANKITA SRIVASTAVA
High Court of Judicature at Allahabad