2026:AHC:211972

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34838 of 2026

Ayush

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed by learned counsel for the applicant is taken on record.

2. Heard Sri Ramesh Kumar, learned counsel for the applicant, Sri Anit Kumar Shukla, learned AGA for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.321 of 2026, under Section 87, 351(3) B.N.S. (Correspondence Section 366, 506 I.P.C.), Police Station Ekta, District Agra, during the pendency of trial.

4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The victim seems to be a consenting party as is evident from her statement recorded U/s 183 BNSS, whereby she roamed about with the applicant to several places and has even stated that she was not subjected to any kind of sexual assault by the applicant. The criminal history assigned to the applicant has been explained. He is in jail since 13.7.2026. He undertakes to cooperate with the trial and not misuse the liberty of bail.

5. Learned AGA has vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

6. Considering the facts and circumstances of the case, submissions made by

learned counsel for the parties, the evidence on record, taking into consideration the fact that victim seems to be a consenting party as far as her statement recorded U/s 183 BNSS is concerned, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

7. Let the applicant- **Ayush**, be released on bail in the aforementioned case crime on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

8. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

October 8, 2026
Vikas Verma

Digitally signed by :-
VIKAS VERMA
High Court of Judicature at Allahabad