2026:AHC:227357

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34731 of 2026

Abhinandan Tripathi

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s) : Abhishek Awasthi, Aradhana Singh, Momi Dey, Ruchi Verma

Counsel for Opposite Party(s) : G.A., Km. Anjana

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Learned AGA for the State submits that notice of this bail application has been served upon the opposite party no. 4/informant on 21.9.2026. However, no one appears on behalf of the said opposite party nor any counter affidavit has been filed on her behalf.

2. Heard learned counsel for the applicant, Sri N.K. Sharma, learned A.G.A. for the State and Km. Anjana, counsel for the opposite party no.2. Perused the record.

3. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 18 of 2026, under Section 3(2)(5) of SC/ST, Police Station- Pheelkhana, District- Kanpur Nagar during pendency of the trial.

4. Counsel for the applicant submits that the applicant has already been granted bail by this Court under Section 64 B.N.S. and Section 3/4 of POCSO Act vide order dated 2.11.2026 passed in Criminal Misc. Bail Application No.26018 of 2026. It is next contended that the essential ingredients to constitute the offence under Section SC/ST Act are not made out against the applicant. The applicant is in jail since 9.4.2026 having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.

5. Learned A.G.A. for the State and counsel for the opposite party no.2 have

opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the applicant has already been granted bail by this Court under Section 64 B.N.S. and Section 3/4 of POCSO Act. At this stage, there is no corroborative evidence to link the applicant with the alleged offence. The applicant has no criminal antecedents. Further, the applicant has presently remained confined for more than six months and 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 intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant, Abhinandan Tripathi 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.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

(Vivek Varma,J.)

November 2, 2026
S.S.

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