2026:AHC:211996

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34944 of 2026

Akash Alias Kala

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Krishna Kant Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Shri Krishna Kant Yadav, learned counsel for the applicant and Shri O.P. Singh, learned A.G.A. for the State and perused the record. At the very outset, learned AGA submits that the notice has been served on the first informant.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 97 of 2026, under Section 65(2) of B.N.S. and Section 5m/6 of POCSO Act and Section 3(2)(v) of SC/ST Act, Police Station Khekada,, District Baghpat, during the pendency of the trial.

3. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case though there is no incriminating material against him. It is further submitted that the applicant has already been granted bail in the present case for the offences under Sections 65(1), 137(2), 74 of B.N.S. and Section 3/4(2) of POCSO Act, however, during investigation Section 65(2) of B.N.S. and Section 5m/6 of POCSO Act and Section 3(2)(v) of SC/ST Act have been added.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail.

5. The applicant has already been granted bail in the present case for the offences under Sections 65(1), 137(2), 74 of B.N.S. and Section 3/4(2) of POCSO Act, however, during investigation Section 65(2) of B.N.S. and Section 5m/6 of POCSO Act and Section 3(2)(v) of SC/ST Act have been added.

6. 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.

7. Accordingly, the present application is **ALLOWED.**

8. Let the applicant- **Akash alias Kala** involved in the aforementioned crime be released on bail, on bail on the same terms and conditions, on which, the applicant was granted bail by this Court vide order dated 19.08.2026 passed in Criminal Misc. Bail Application No.25057 of 2026.

(Jitendra Kumar Sinha,J.)

October 9, 2026
RKM

Digitally signed by :-
RAJESH KUMAR MAURYA
High Court of Judicature at Allahabad