HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 10800 of 2026

Shashi Kumari Alias Meena Kumari (Minor)

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s) : Bhola Nath Yadav, Priyavrat Tripathi
Counsel for Opposite Party(s) : Abhay Kumar Dwivedi, G.A.

Court No. - 70

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Case has been called on in the revised call.

2. None appears for the informant even though the name of Sri Abhay Kumar Dwivedi, Learned Advocate, is printed as the Learned counsel for the informant.

3. Heard, the Learned counsel for the applicant, the Learned A.G.A. for the State and perused the record.

4. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.117 of 2026, under Sections 61(2)(a), 127(2) of the B.N.S. 2023 and Section 17 of the Protection of Children from Sexual Offences Act, P.S.- Khiri, District- Prayagraj, with a prayer to enlarge her on anticipatory bail as the applicant apprehends her arrest in the above-mentioned case.

5. Learned counsel for the applicant has contended that the applicant is a young girl aged about fifteen years. She has been falsely nominated in the FIR as an accused. The allegation against the applicant is of calling the victim on the pretext that her aunt (मौसी) was calling the victim for some work, after which the victim was supposedly subjected to rape by the co-accused Suraj Yadav at the house of the applicant's aunt. Learned counsel has further contended that the applicant is a young girl aged about fifteen years and also a friend of the victim. She has been falsely nominated in the FIR due to previous enmity between the parties which is evident from the statement of the victim recorded by the police and annexed as

Annexure No. 9 at page 75 of the affidavit accompanying the anticipatory bail application.

6. The Learned A.G.A. has opposed the prayer for grant of anticipatory bail and has contended that the applicant has actively participated in the occurrence and has facilitated the rape of the victim at the hands of the co-accused. She may not be considered for grant of anticipatory bail.

7. I have considered the submissions made by the learned counsel for the parties.

8. The applicant undisputedly is a minor girl aged about fifteen years. The only allegation against the applicant is of calling the victim and taking her to the house of her aunt to allegedly facilitate her rape at the hands of the co-accused. In the *prima facie* opinion of the Court, applicant who is a minor aged about fifteen years being part of a conspiracy along with her aunt, cousin (Suraj) and brother (Satyam) to facilitate the rape of the victim by her cousin appears to be incredible. The applicant has no criminal antecedents and there is no allegation of the applicant either helping in subduing the victim, threatening her or in any other manner participating in the sexual assault of the victim. The case of the applicant stands on a different footing from that of the co-accused Suraj Yadav.

7. Taking into account all the facts and circumstances of the case and without expressing any opinion on the merits of the case, I deem it fit to enlarge the applicant on anticipatory bail.

8. In view of the above, the anticipatory bail application of the applicant is **allowed**.

9. In the event of the arrest of the applicant **Shashi Kumari Alias Meena Kumari (Minor)**, she shall be released forthwith in the aforesaid case crime on anticipatory bail on furnishing a personal bond and surety each in the like amount to the satisfaction of the Station House Officer of the police station/Court concerned through her natural guardian with the following conditions:-

i. the applicant shall make herself available for interrogation by a police officer as and when required;

ii. that the applicant shall not, directly or indirectly make any inducement,

threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer;

iii. that the applicant shall not leave India without the previous permission of the Court;

iv. that the applicant shall not pressurize/intimidate the prosecution witness;

10. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the bail.

11. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

October 24, 2026
Sachin

Digitally signed by :-
SACHIN TIWARI
High Court of Judicature at Allahabad