



2026:AHC:54932

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 9130 of 2026

Hariom

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 70

HON'BLE SANTOSH RAI, J.

1. Supplementary affidavit filed today in court by learned counsel for the applicant is taken on record.
2. Heard learned counsel for the applicant, learned AGA for the State-respondent and perused the record.
3. This bail application has been moved on behalf of accused-applicant, **Hariom** seeking enlargement on bail in Case Crime No.7 of 2026 under Sections 137(2), 87, 127(3) and 115(2) BNS, P.S.- Sasni, District-Hathras, during pendency of trial.
4. Tersely, as per allegation contained in the FIR, the accused-applicant has kidnapped the minor daughter of the informant aged about 15 years.
5. Learned counsel for the applicant submits that he has not committed any offence as alleged in the FIR and has falsely been implicated in this case due to ulterior motive. Furthermore, in the statement of the victim recorded under Section 180, she has not clearly stated that the accused-applicant has abducted her but stated that she went alongwith the accused-applicant with her own sweet will. In the statement of the victim recorded under Section 183, she specified the role and involvement of the accused-applicant and two other co-accused persons namely, Dipesh and Sonu regarding kidnapping her forcefully and she was kept near the Chardham in Mathura for about three to four days. She further stated in her statement recorded under Section 183 that the accused-applicant wanted to marry with her and nothing wrong was committed by him. Thus, the statements of the victim recorded under Sections 180 and 183 are contradictory.

Furthermore, the accused-applicant has no criminal history and is in jail since 05.02.2026. Furthermore, as per submission of learned AGA, chargesheet has already been filed in this case. Submission is that the conclusion of trial will take sufficiently long and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

6. Per contra, learned A.G.A. has opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence. In case the applicant is released on bail, he will again indulge in similar activities and will misuse the liberty of bail.

7. Having considered the submissions that though in the FIR, the accused-applicant is named as sole accused. In the statement of the victim recorded under Section 180, she has not supported the prosecution version clearly and specifically and she stated that she went alongwith the accused-applicant with her own sweet will but in the statement of the victim recorded under Section 183, she stated the role and involvement of the accused-applicant and two other co-accused persons, namely, Dipesh and Sonu, having common role, regarding kidnapping. Thus, the statements of the victim recorded under Sections 180 and 183 appears to be contradictory. She further stated in her statement recorded under Section 183 that the accused-applicant wanted to marry with her and nothing wrong was committed by him. The victim had escaped from the possession of the accused-applicant and went to the house of her uncle. The victim was not recovered from the possession of the accused-applicant. As per the FIR, age of the victim is about 15 years but as per the statement of the victim recorded under Section 180, age of the victim is about 16 years. As per submission of learned AGA, chargesheet has already been filed in this case on 20.02.2026 and, thus, there is no reasonable possibility of intimidating and pressurizing the prosecution witnesses, accused-applicant has no criminal history and is in jail since 05.02.2026 and keeping in view the uncertainty regarding conclusion of trial; larger mandate of the Article 21 of the Constitution of India, considering paragraph no.53 of Apex Court in case of *Manish Sisodia vs. Directorate of Enforcement 2024 (SC) LawSuit 677*, dictum of Apex Court in *Union of India vs. K.A. Najeeb (2021) 3 SCC 713 & Satender*

Kumar Antil vs. Central Bureau of Investigation & Anr. (2022) 10 SCC 51 and without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid crime be released on bail on his furnishing personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions that:-

- (i) The applicant shall not tamper with the evidence or threaten the witnesses.
- (ii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in Court.
- (iii) The applicant shall remain present before the trial court on each date fixed, either personally or as directed by the court concerned.
- (iv) The applicant shall remain present in person before the Trial Court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement of accused personally to explain circumstances appearing in the evidence against him.
- (v) In case the applicant misuses the liberty of bail during trial and in order to secure his presence, the trial court shall initiate proceedings against him strictly in accordance with law.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail by the trial court.

9. Identity and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

(Santosh Rai,J.)

March 18, 2026

Ankit.