



**HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 36257 of 2025**

Lalit Kaushik

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Shyam Shanker Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Supplementary affidavit filed today is taken on record.
2. Heard Sri Shyam Shanker Pandey, learned counsel for the applicant, Sri Anand Pratap Singh, learned A.G.A. for the State and perused the record.
3. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No. 358 of 2025, under Sections 61(2), 109(1), 351(3) BNS, Police Station- Katghar, District Moradabad.
4. Contention of learned counsel for the applicant is that there is no direct evidence against the applicant and he has been falsely implicated merely because he is an accused in a case lodged by the daughter of the first informant as Case Crime No.311 of 2023, under Sections 342, 376, 506 IPC and several sections of POCSO Act.
5. Learned AGA has submitted that the applicant has been convicted on two occasions for the offences punishable more than 7 years, therefore, in view of bar of Section 437(1)(ii) BNSS is not entitled to be released on bail.
6. At this stage, learned counsel for the applicant has submitted that once against the conviction, appeal has been filed before the High Court and the convicted person has been released on bail then the bar under Section 437(1)(ii) BNSS will not apply. He seeks time to bring on record certain judgements of the Apex Court to address this issue.
7. Considering the aforesaid request, the case is adjourned for the day.
8. Put up this case, as fresh, in the week commencing 24th November, 2025.
9. In the meantime, learned AGA will seek instructions regarding status of investigation as well as status of trial of 24 cases pending against the applicant.

November 10, 2025
A.Kr.

(Arun Kumar Singh Deshwal,J.)