2025:AHC:229201

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39096 of 2025

Pramod Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Sushil Kumar Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Supplementary affidavit filed by the learned counsel for the applicant is taken on record.

Heard Shri Sushil Kumar Pandey, learned counsel for the applicant and Shri Arimardan Yadav, learned A.G.A. representing the State respondents.

This bail application under Section 483 BNSS has been moved on behalf of accused-applicant, Pramod Kumar, seeking enlargement on bail in Case Crime No. 454 of 2018, under Section 354, 504 IPC and 7/8 of POCSO Act, Police Station-Ajitmal, District-Auraiya, during the pendency of trial.

Learned counsel for the applicant argued that the accused-applicant is innocent. He has been falsely implicated in this very case crime number and is languishing in jail since 29.05.2025. Learned counsel for the applicant submits that earlier the applicant was on bail in the aforesaid case crime number, but due to non appearance before the Court below, non bailable warrant against the applicant was issued. When the applicant came to know about the issuance of non bailable warrant, he surrendered himself before the Court below on 29.05.2025 and since then he is in judicial custody. Criminal history of two cases has been properly explained 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.

Learned AGA has vehemently opposed, but could not dispute the fact that applicant has no criminal antecedents.

Considering all those facts and circumstances, the nature of accusations, severity of the punishment in the case of conviction and nature of supporting evidence, reasonable apprehension of tampering with the

witness and prima facie case, but without commenting on merit of case, a case for bail is made out.

Accordingly, the bail application is ***allowed***.

Let the accused-applicant, ***Pramod Kumar***, involved in above mentioned case crime number be released on bail, on his executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

1. The applicant will not tamper with the evidence.

2. The applicant will not indulge in any criminal activity.

3. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.

4. The applicant will appear regularly on each and every date fixed by the trial court, unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

(Ashutosh Srivastava,J.)

December 19, 2025
Deepak/

Digitally signed by :-
DEEPAK KUMAR KUSHWAHA
High Court of Judicature at Allahabad