



2026:AHC-LKO:46270

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C.
No. - 498 of 2026**

Ajay Kumar @ Chingi And Another

.....Applicant(s)

Versus

State Of U.P. Thru. Its Prin. Secy. Deptt. Of Home Lko.
And Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ghulam Mohammad Kamil
Counsel for Opposite Party(s)	:	G.A.

Court No. - 28

HON'BLE RAJEEV BHARTI, J.

Heard learned counsel for the applicant and learned A.G.A. for the State.

The present application has been filed seeking anticipatory bail in case crime No.245 of 2001, under Section 363, 366 I.P.C., Police Station Payagpur, District Bahraich.

The factual matrix of the case, in brief, is that Opposite Party No.2 lodged a written application dated 30.12.2001 before Police Station Payagpur, District Bahraich, on the basis whereof Case Crime No. 245 of 2001 was registered on the same day under Sections 363 and 366 of the Indian Penal Code.

As per the prosecution case, on 12.12.2001 at about 3:00 p.m., the victim, namely Bittu, aged about 15 years, was alone at her residence while the informant had gone out for work. Upon returning in the evening, the informant found that the victim was missing. Despite making a diligent search, her whereabouts could not be ascertained. During the search, one Radhika Chamar and Hari Ram Chamar allegedly informed the informant that they had seen accused Ajay Kumar @ Chingi, accompanied by co-accused Ram Chandra, persuading and taking away the victim.

It was further alleged that accused Ajay Kumar, with the assistance of co-accused Ram Chandra, enticed and abducted the victim against her will with the intention of contracting marriage with her. It was also alleged that while leaving the house, the victim had taken with her gold and silver ornaments along with cash amounting to Rs.1,000/-. On these allegations, the First Information Report came to be registered and the investigation commenced.

Upon completion of the investigation, the Investigating Officer found sufficient

material against the accused-applicants and submitted Charge-sheet No. 24 of 2002 dated 05.04.2002 for the offences punishable under Sections 363 and 366 of the Indian Penal Code.

On the basis of the aforesaid charge-sheet, the learned Magistrate took cognizance of the offences under Sections 363 and 366 of the Indian Penal Code and summoned the accused-applicants to face trial.

Aggrieved thereby, the applicants preferred an application under Section 482 Cr.P.C. being Application No. 3227 of 2007, before this Court seeking quashing of the criminal proceedings. During the pendency of the said application, interim protection was granted in favour of the applicants. However, when the matter was subsequently listed, none appeared on behalf of the applicants to prosecute the case. Consequently, the Co-ordinate Bench of this Court dismissed the aforesaid application for want of prosecution, vacated the interim protection earlier granted, and directed that a copy of the order be transmitted to the District and Sessions Judge concerned for ensuring compliance.

Thereafter, no effective proceedings took place for a considerable period, and the case remained pending. Subsequently, the learned trial court resumed the proceedings and, by order dated 25.05.2026, issued bailable warrants against the applicants to secure their presence before the Court.

Learned counsel for the applicants submitted that the present case pertains to a very old incident. It was further submitted that the victim had voluntarily accompanied Applicant No.1, as both were in a consensual relationship and subsequently solemnized their marriage. He further submitted that Applicant No. 1 and the victim have since reconciled with the marriage, and the couple is presently living together happily as husband and wife. It was further submitted that out of the said wedlock, they have been blessed with three children, and they are leading a peaceful matrimonial life.

Learned AGA for the State opposed the bail but could not dispute the above-mentioned case.

At the very outset, this Court finds it deeply disturbing that the present criminal case, arising out of an FIR registered in the year 2001, has remained pending for over two decades without reaching its logical conclusion. Such an extraordinary delay is wholly incompatible with the constitutional guarantee of a fair and speedy trial under Article 21 of the Constitution of India.

The record reveals a rather disquieting state of affairs. For years together, the

proceedings remained dormant without any meaningful progress, reducing the criminal trial to a mere formality. Justice cannot be permitted to become a casualty of endless adjournments and prolonged institutional inaction. The oft-quoted expression that litigants receive nothing but "तारीख पे तारीख" is not expected to become the hallmark of the criminal justice delivery system.

On due consideration to the submissions advanced by learned counsel for the parties, material available on record and the fact that the applicant has no previous criminal history; charge-sheet in the case has been filed, the undertaking given by the applicant to cooperate in the trial as also the judgment of Hon'ble Apex Court in ***Musheer Alam versus The State of U.P. and another 2025 SCC OnLine SC 116***, it would be expedient in the interest of justice that the liberty of the applicants needs to be protected.

In view of the above, the applicants- **Ajay Kumar @ Chingi and Ram Chandra** are directed to surrender before the trial court within a period of two weeks from the date of receipt of a certified copy of this order. Upon their surrender, the trial court shall release them on anticipatory bail, subject to their furnishing personal bonds and two sureties each of the same amount, to the satisfaction of the trial court, with the following conditions:-

- (i) The applicants shall refrain from directly or indirectly inducing, threatening, or promising any person familiar with the facts of the case in a manner that may dissuade them from revealing such facts before the Court or result in tampering with the evidence;
- (ii) The applicants shall not travel outside India without prior permission from the Court;
- (iii) The applicants shall not attempt to influence or intimidate any prosecution witness;
- (iv) The applicants shall remain present before the trial court on all scheduled dates unless specifically exempted from personal appearance;
- (v) In the event of any violation of the aforementioned conditions, the trial court shall be at liberty to cancel the anticipatory bail granted to the applicants;

Any other reasonable restrictions/conditions which the trial court may deem fit and proper can be imposed.

It is made clear that the observations made in granting anticipatory bail to the applicants shall not in any way affect the trial Judge in forming his independent opinion based on the testimony of the witnesses.

In view of the aforesaid, the anticipatory bail application is ***allowed.***

July 14, 2026
Shukla

(Rajeev Bharti,J.)