



2026:AHC:143272

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 22140 of 2026

Amit

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Kamlesh Kumar Tiwari, Swati Tiwari
Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Compliance affidavit filed today is taken on record.
2. Heard Ms. Swati Tiwari, counsel for the applicant, Sri Pankaj Saxena, learned A.G.A. for the State and perused the record.
3. No one appeared on behalf of the first informant despite service of notice through C.J.M., Gorakhpur.
4. The instant bail application has been filed with a prayer to release the applicant on bail during trial in Case Crime No. 131 of 2026, under Section 137 (2), 87, 64 (1) B.N.S., 2023 and Section 5/6 POCSO Act, Police Station-Bansgaon, District-Gorakhpur.
5. This was matter was heard on 08.07.2026. On that date, the learned A.G.A. sought further time to obtain instructions as the instructions were not supplied despite repeated reminders of the office of Joint Director of Prosecution, High Court, Allahabad.
6. The Court came across with number of cases of Gorakhpur where the instructions were not supplied within time, therefore, this Court directed S.S.P. to appear personally.
7. In compliance of the order dated 08.07.2026, Dr. Kaustubh, the Senior Superintendent of Police, Gorakhpur is presently present before this Court. He has filed his personal affidavit mentioning therein that his office immediately after receiving the intimation from the office of Joint Director

of Prosecution, High Court, Allahabad forwarded the same to the concerned Police Station, even then the instructions were not supplied to the Court, therefore, he conducted an inquiry and as per the inquiry report, S.H.O. Pankaj Kumar Singh, Police Station Bansgaon, Sub-Inspector Sarvesh Kumar, Police Station Bansgaon and Constable Ramesh Yadav, Police Station Bansgaon were found to be negligent, therefore, they were attached to police line. It was further mentioned in the affidavit that through R.T. messages dated 13.07.2026, he issued direction to Superintendent of Police, City/ North/ South/ Crime / Traffic/ Security, all the Circle Officers of the District Gorakhpur, Deputy Superintendent of Police (LIU), Gorakhpur as well as all S.H.O. of District Gorakhpur apprising the D.G.P. circular dated 06.01.2026 and directed to ensure the submission of instructions in bail matters in compliance of the D.G.P. circular. It was further mentioned in the aforesaid affidavit that he also expressed his apology and assures the Court that in future such thing will not be repeated. The Court is satisfied with the explanation of S.S.P., Gorakhpur.

8. Coming to the merit of this case, counsel for the applicant submitted that in the FIR allegation has been made for enticing away the daughter of the first informant but the victim in her statement recorded under Section 180 and 183 BNSS clearly stated that she herself left the house as she was in relationship with the applicant. It is further mentioned in the above statement that the applicant has not committed any wrong with the victim. It is further submitted that the applicant has no criminal history. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 20.03.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

9. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

10. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of accused and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be

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

11. Let the applicant- **Amit** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

- i. 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
- ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.
- iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
- iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

12. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

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

14. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

15. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

16. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or on e-prison portal and Trial Court via e-mode within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu**

Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023 reported in **(2024) 10 SCC 685** as well as **Pila Pahan @ Peela Pahan and others Vs. State of Jharkhand and another**, in **Writ Petition (Criminal) No. 169 of 2025**, decided on 29.05.2026.

17. From the perusal of the personal affidavit of the Senior Superintendent of Police, Gorakhpur, as well as the enquiry report annexed by him, it is clear that due to the negligence on the part of some of the police officers mentioned in the personal affidavit of the Senior Superintendent of Police, Gorakhpur, this bail application could not be disposed of on 01.07.2026, and the same could be finally disposed of today by releasing the applicant on bail. Therefore, it is clear that due to the negligence on the part of certain police officers mentioned in the personal affidavit of the Senior Superintendent of Police, Gorakhpur, the applicant remained in jail for more than 15 days.

18. Accordingly, this Court also imposes costs of Rs. 1,00,000/- upon the State Government, which shall be paid to the applicant. However, the State Government shall be at liberty to recover the aforesaid amount from the erring police officers.

19. Let a copy of this order be communicated to the **Director General of Police, Uttar Pradesh**, as well as the **Senior Superintendent of Police, Gorakhpur**, through the **Registrar (Compliance)**.

(Arun Kumar Singh Deshwal,J.)

July 15, 2026

CS/-