



2026:AHC:152122

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 11073 of 2026

Rohit Yadav

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Nabi Ullah, Prabhakant Singh, Yadvendra Mani Mishra
Counsel for Opposite Party(s)		G.A., Laxmi Dubey, Raj Kumar, Rajrshi Gupta

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Yadvendra Mani Mishra, learned counsel for the applicant, Sri Raj Kumar along with Sri Laxmi Dubey, learned counsel for the first informant, Sri Bhupendra Pal Singh, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 302 of 2025, under Sections 137(2), 70, 352, 351(3) B.N.S. and Section 5/6 POCSO Act, Police Station Mungarabadshahpur, District Jaunpur, during the pendency of the trial.
3. Contention of learned counsel for the applicant is that as per the FIR as well as the statement of the victim recorded under Sections 180 and 183 BNSS, the victim left her house and accompanied the applicant and co-accused on two occasions; firstly, they visited Bombay and, after returning back, she again accompanied them and they visited Delhi. It is further submitted that in the FIR as well as in the statement of the victim, allegation has been made that the applicant as well as the co-accused, on the basis of obscene videos as well as photographs of the victim taken during the first visit to Bombay, blackmailed her and forced her to accompany them to Delhi, but no such obscene videos or photographs were recovered during the investigation, which itself casts doubt upon

the prosecution story. It is further submitted that the medical examination report of the victim also does not indicate sexual assault.

4. It is further submitted that co-accused Sandeep Kumar has already been released on bail by a Coordinate Bench of this Court in Criminal Misc. Bail Application No. 6602 of 2026 vide order dated 25.03.2026, which was challenged by the informant before the Hon'ble Apex Court by filing Special Leave to Appeal (Crl.) No. 6587 of 2026, but the same was rejected vide order dated 14.07.2026. Therefore, the applicant, having an identical role, is also entitled to be released on bail on the ground of parity. 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 is languishing in jail since 26.01.2026. In case he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned counsel for the first informant has vehemently opposed the prayer for bail and submitted that the attitude of the police was very negligent and the police did not make any effort to recover the mobile phones of the applicant as well as the co-accused to determine whether such obscene videos or photographs of the victim, as mentioned in the FIR as well as in her statements, were taken. However, he could not dispute the fact that the victim left her house on her own freewill along with the applicant and the co-accused on two occasions and that there are no such obscene videos or photographs of the victim in the case diary as mentioned in her statements. Learned A.G.A. has also adopted the arguments advanced by learned counsel for the first informant.

6. Considering the entire facts and circumstances of the case, the submissions of learned counsel for the parties, and taking into account the fact that no such obscene videos or photographs of the victim, as mentioned in the FIR as well as in the statements of

the victim, were recovered by the police, coupled with the medical examination report of the victim, as well as the nature of the offence, the evidence, and the complicity of the accused, and further taking into account the fact that the similarly situated co-accused has already been enlarged on bail, and considering the mandate of the judgment of the Hon'ble Apex Court in **Kapil Wadhawan vs. Central Bureau of Investigation**, reported in **2025 SCC OnLine SC 3038**, as well as the guidelines of this Court in **Maya Tiwari vs. State of U.P., 2024 SCC OnLine All 6765**, regarding grant of bail, 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 present application is allowed.

7. Let the applicant- **Rohit Yadav**, 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.

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

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

10. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. 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.

12. 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.

13. Office is directed to send a copy of this order to the applicant through **Jail Superintendent, Jaunpur** 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.**

14. Application, if any, stands **disposed of**.

15. From the facts of the present case, it is clear that the police was highly negligent in not seizing the mobile phones of the applicant and the co-accused to test the veracity of the victim's allegation regarding preparation of her obscene videos or photographs. This Court has also directed the Director General of Police, U.P., in **Pankaj vs. State of U.P., Neutral Citation No. 2026:AHC:146676**, to issue necessary directions to all the District Police Chiefs to apprise the Investigating Officers in their respective districts that whenever an allegation is made regarding preparation of an obscene video or clicking of photographs by the accused through his mobile phone, the mobile phone of the

accused as well as any other mobile phone alleged to have been used in the preparation of such obscene video or in forwarding the same should be seized by the Investigating Officer and, if required, be sent to the FSL for examination. Therefore, in the present case also, this Court finds such negligence.

16. Accordingly, the Superintendent of Police, Jaunpur, is directed to conduct an enquiry against the Investigating Officer concerned regarding his negligence in not seizing the mobile phones of the applicant and the co-accused to determine whether any obscene videos or photographs were prepared by the accused persons.

17. Let a copy of this order be communicated to **Superintendent of Police, Jaunpur** through **Registrar (Compliance)**.

(Arun Kumar Singh Deshwal,J.)

July 23, 2026

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