

Major Singh vs State Of U.P. And 3 Others on 1 April, 2025

Author: Ashutosh Srivastava

Bench: Ashutosh Srivastava

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:45572

Court No. - 68

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9310 of 2025

Applicant :- Major Singh

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Saurabh Pathak

Counsel for Opposite Party :- G.A.

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Saurabh Patha, learned counsel for the applicant, Sri Yagyavalk Pandey, learned AGA for the State-respondents and perused the record.
2. This bail application under Section 483 BNSS has been moved on behalf of accused-applicant, Major Singh, seeking enlargement on bail in Case Crime No. 127 of 2024, under Sections 137 (2), 142, 61 (2) (b) of BNS, Police Station Ayana, District Auraiya.
3. The allegation made in the FIR is that on 11.11.2024, at about 3:00 p.m., the co-accused Manish @ Tillu enticed away the informant and outrage her modesty and threatened her.

4. Learned counsel for the applicant argued that the accused-applicant is innocent. He has been falsely implicated in this case crime number and is languishing in jail since 22.12.2024. He has no criminal antecedent and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Learned counsel for the applicant submits that the applicant is not named in the FIR and during course of investigation, the statement of victim was recorded under Section 183 BNSS, in which she made some improvement and took the name of the applicant. It is further submitted that the incident took place on 11.11.2024 and the FIR of the alleged incident has been lodged after great delay of 9 days without giving any explanation for delay in lodging the FIR. He further submits that no video or other offensive matter as alleged by the victim has been recovered from the possession of the applicant and no cogent evidence is available against the applicant and he has no criminal history. Hence, bail has been prayed for.

5. Learned AGA as well as learned counsel for the first informant have vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

6. Considering all above 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.

7. Accordingly, the bail application is allowed.

8. Let the accused-applicant, Major Singh, 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.

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

Order Date :- 1.4.2025 v.k.updh.