



2025:AHC:175473

**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**CRIMINAL MISC. BAIL APPLICATION No. - 26107 of 2025**

Anzar Khan Alias Anzar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite  
Party(s)

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Counsel for Applicant(s)	:	Irshad Ahmad
Counsel for Opposite Party(s)	:	G.A.

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**Court No. - 67**

**HON'BLE KRISHAN PAHAL, J.**

1. List has been revised. As informed by learned AGA, notice to the informant has been served on 28.07.2025 but none is present on behalf of the informant.
2. Heard Sri Irshad Ahmad, learned counsel for the applicant and Sri Pranshu Kumar, learned A.G.A. for the State and also perused the material placed on record.
3. Applicant seeks bail in **Case Crime No. 107 of 2025, under Sections 76, 74, 351(3) & 333 of BNS and Sections 7/8 of POCSO Act, Police Station - Kudfatehgarh, District - Sambhal**, during the pendency of trial.
4. As per prosecution story, the applicant is stated to have entered the house of the informant in the night of 30.05.2025 at about 11:00 PM and outraged the modesty of his daughter.
5. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR. The FIR is delayed by about four days and there is no explanation of the said delay caused.
6. Learned counsel has also stated that the allegations are per se false as in the FIR, the role assigned to the applicant is of catching hold of hand of the victim only. The allegations have been inflated a bit by means of statement of the victim recorded u/s 183 BNSS after legal consultations. The injuries sustained by the victim are simple in nature. The victim by her looks seems to be major, although she is stated to be 16 years old.

7. Learned counsel has next contended that the applicant is languishing in jail since 04.06.2025, having no criminal history to his credit. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

8. Per contra, learned AGA has vehemently opposed the bail application but unable to dispute the submissions raised by the learned counsel for the applicant and also the fact that the applicant has no criminal history.

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, nature of offence, severity of punishment and taking into consideration the delay in lodging the FIR and also considering the improvisation of prosecution story in the statement of the victim, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

10. Let the applicant- **Anzar Khan Alias Anzar**, who is involved in aforementioned case 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

- i) The applicant will not tamper with the evidence during trial.
- ii) The applicant will not pressurise/intimidate with the prosecution witnesses.
- iii) The applicant will appear before the trial court on the date fixed.

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

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

**September 26, 2025**  
Siddhant

**(Krishan Pahal,J.)**