VERDICTUM.IN

2026:AHC:221357

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 36210 of 2026

Raj Raeen

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s) : Deepak Kumar, Vaibhav Srivastava
Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Yogesh Srivastava, Advocate holding brief of Sri Vaibhav Srivastava, learned counsel for the applicant, Sri Sunil Kumar, 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. 0059 of 2026, Under Sections 137(2), 70(2), 351 (3) B.N.S. read with Section 5(G) / 6 of Prevention of Children From Sexual Offences (POCSO) Act, 2012 and Sections 3, 5(1), 5(3) of Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, Police Station Moosa Nagar, District Kanpur Dehat, during the pendency of the trial.

3. This matter was heard on 09.10.2026. On that date, the Court found that though there was an allegation in the statement of the victim recorded under Section 183 BNSS that the applicant, after editing her obscene photo/video, uploaded the same on social media, but the I.O. had not recovered the mobile phone of the applicant to check the allegation regarding editing the obscene photo/video of the victim. Therefore, this Court directed the I.O. of the case to appear before this Court personally.

4. In compliance with the order of this Court dated 09.10.2026, the I.O. of the case, Ms. Anita Varma, of Police Station Moosa Nagar, District Kanpur Dehat, appeared before this Court and admitted that she had mistakenly failed to collect the mobile phone of the applicant. She further stated that, after receiving a copy of this order, she has

VERDICTUM.IN

been trying to collect the mobile phone of the applicant in the pending investigation of the co-accused.

5. This Court, in the case of *Pankaj Vs. State of U.P.*, 2026 SCC OnLine All 37064, directed the Director General of Police, U.P., Lucknow, to issue a circular to all police officials to make it mandatory to collect the mobile phone of the accused where there is an allegation of making an obscene video/photo or making the same viral by the accused. In pursuance of the order dated 17.07.2026 passed by this Court, the Director General of Police, U.P., Lucknow, issued a circular dated 25.07.2026 to all police officers.

6. The above fact shows not only the negligence on the part of the I.O. in conducting the investigation but also contemptuous by not collecting the mobile phone of the applicant, which is relevant evidence in view of the statement of the victim recorded under Section 183 BNSS. This Court expressed its displeasure on this negligence but taking a lenient view, refrains from passing any stricture against the above I.O. being lady officer but directs her to deposit Rs. 5,000/- in the Army Welfare Fund as a cost and to be careful in future. It is further directed that the I.O. shall not leave the Court and shall remain in the custody of the Court until 4 o'clock and shall be released/allowed to go thereafter. After depositing Rs. 5,000/- in the Army Welfare Fund, the receipt thereof shall be submitted before the concerned Magistrate.

7. Contention of learned counsel for the applicant is that there is no allegation of committing rape; rather, the allegation is of sexually assaulting the victim by touching her inappropriately. It is further submitted that, though in the statement of the victim recorded under Section 183 BNSS, an allegation has been made regarding editing a photo/video and making it viral, the police have not recovered any such photo or video. 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 04.07.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

VERDICTUM.IN

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

9. Considering the entire facts and circumstances of the case, the submissions of learned counsel for the parties, the contradictions in the statements of the victim recorded under Sections 180 and 183 BNSS, the refusal to conduct medical examination of the victim, the nature of the offence, the evidence, the complicity of the accused, the overcrowded jails, and the heavy pendency of criminal cases before the trial courts, as well as the mandate of the judgment of the Apex Court in the case of **Kapil Wadhawan vs. Central Bureau of Investigation, reported in 2025 SCC OnLine SC 3038**, and the guideline of this Court in the case of **Maya Tiwari vs. State of U.P., 2024 SCC OnLine All 6765**, regarding the 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**.

10. Let the applicant- **Raj Raeen,** 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.

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

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

VERDICTUM.IN

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

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

(Arun Kumar Singh Deshwal,J.)

October 24, 2026
SA