



2025:AHC:175054

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 33374 of 2025

Panchu

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Pratap Kanchan Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Pratap Kanchan Singh, learned counsel for the applicant, Ms. Pooja, on behalf of the first informant, she has been assigned this case by the High Court Legal Services Authority and Shri Ajay Singh, learned AGA, representing the State respondents.

This bail application under Section 483 B.N.S.S. has been moved on behalf of accused-applicant, Panchu, seeking enlargement on bail in Case Crime No. 16 of 2025, under Sections 137 (2), 64 (2) M, 351 (2), 352, 127 (2) of BNS and Section 3/4 of Protection of Children from Sexual Offences Act, 2012, Police Station-Sardhuwa, District-Chitrakoot.

Learned counsel for the applicant argued that the accused-applicant is innocent. He has been falsely implicated in this very case crime number and is languishing in jail since 25.04.2025. First Information Report has been lodged on 18.02.2025, with a delay of 18 days without any plausible explanation, in respect of an incident said to have occurred from 01.02.2025 to 04.02.2025, against the applicant and his other family members with the allegation that on the date of incident the applicant has enticed away the minor daughter of the informant on the pretext of marriage and several times made physical relationship with her. He further submits that in the ossification test the victim has been held to be of 19 years of age. Learned counsel for the applicant submits that there is contradiction in the statement of the victim under Sections 180 and 183 BNSS. The victim in her statement under Section 180 has stated that the applicant had sexually assaulted the victim whereas in the statement under section 183 BNSS she has stated that she was in love affairs with the applicant and there was consensual relationship between the victim and applicant. The applicant 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. Hence, bail has been prayed for.

Learned learned AGA as well as learned counsel for the first informant have vehemently opposed, but could not dispute the fact that applicant has no criminal antecedents.

Considering all those 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.

Accordingly, the bail application is allowed.

Let the accused-applicant, **Panchu**, 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.

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

(Ashutosh Srivastava,J.)

September 26, 2025

Deepak/