



2025:AHC:175007

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33623 of 2025

Aditya Singh Chhari

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Shyam Singh, Vinod Kumar Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 67

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Shyam Singh, learned counsel for the applicant and Sri V.K.S. Parmar, learned A.G.A. for the State and perused the record.
3. Applicant seeks bail in Case Crime No. 94 of 2025, under Sections 137(2), 87, 352, 351(3) of BNS, Police Station Rajgarh, District Mirzapur, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the said offence. The FIR is delayed and there is no explanation of the said delay caused.
5. Learned counsel has next stated that the victim is a consenting party as is but evident from her statement recorded under section 183 BNSS whereby she herself has stated that she wants to marry the applicant but she would do so after attaining the age of majority. As per ossification test report, age of the victim has come up to be 18-20 years, as such she was major and a leverage of two years may be granted to the applicant on the upper side.
6. There is no criminal history of the applicant. The applicant is languishing in jail since 14.06.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. Learned A.G.A. has vehemently opposed the bail application.

8. As per ossification test report, the age of the victim is 8-20 years and a leverage of two years may be granted to the applicant on the upper side in the light of the judgement of Supreme Court passed in ***Jaya Mala Vs. State of J & K, (1982) 2 SCC 538*** and ***Mohd. Imran Khan vs. State (Govt. of NCT of Delhi), (2011) 10 SCC 192***, whereby it has been opined that the radiologist cannot predict the correct date of birth rather there is a long margin of 1 to 2 years on either side.

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record and taking into consideration the fact that the victim is a consenting party and the FIR being delayed, the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

10. Let the applicant- **Aditya Singh Chhari**, 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 shall not tamper with the evidence during trial.
- ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- iii) The applicant shall 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.

(Krishan Pahal,J.)

September 26, 2025

Sumit S