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HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 6419 of 2026

Sonu

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Bhaskar Bhadra
Counsel for Opposite Party(s)	:	Aarti Singh, G.A.

Court No. - 65

(Sr. No.88 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Learned State Law Officer has informed that the notice to the informant has been served on 19.02.2026, but none is present on behalf of the informant.

2. Heard Sri Bhaskar Bhadra, learned counsel for the applicant, Ms. Aarti Singh, learned counsel for the High Court Legal Service Committee, Sri Jai Kishan Chaurasia, learned State Law Officer for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.38 of 2026, under Sections 65(1), 62 BNS and Section 18 POCSO Act, Police Station Bithari Chainpur, District Bareilly, during the pendency of trial.

4. The learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by about one day, and there is no explanation for the said delay. The victim is a consenting party, as is evident from her statements recorded under Sections 180 and 183 BNSS, whereby she has stated that the applicant was trying to commit rape with her and, in the meantime, her parents reached there and the applicant ran away from the place of occurrence; as such, it is a clear-cut case of false implication, although there is no allegation of rape against the applicant.

5. Learned counsel for the applicant has further argued that the victim, by

her appearance, seems to be major, although as per school certificate of class-V, her date of birth is 10.05.2010; as such, she comes out to be 15 years, 8 months and 16 days old on the date of occurrence, but the said document has no evidentiary value in the eyes of law. The age has been deliberately suppressed. The applicant has no criminal history and is in jail since 30.01.2026. He undertakes to cooperate with the trial and not misuse the liberty of bail.

6. Learned counsel for the High Court Legal Service Committee and learned State Law Officer have vehemently opposed the bail application but could not dispute the submissions made by the counsel for the applicant.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the statement of the victim recorded under Sections 180 and 183 BNSS, which indicates her consent, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

8. Let the applicant- **Sonu**, be released on bail on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

9. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

May 6, 2026
(Ravi Kant)