



2026:000:112744

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 16383 of 2026

Anas

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sachin Malik
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

(Sl. No. 10 out of 269)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. As informed by learned AGA, notice to the informant has been served on 30.04.2026 but none is present on behalf of the informant.

2. Heard Sri Sachin Malik, learned counsel for the applicant and Sri Sunil Kumar, learned A.G.A. for the State and also perused the material placed on record.

3. Applicant seeks bail in **Case Crime No. 30** of 2026, **under Sections 137(2), 74, 64(1), 123(2)** of BNS and **Sections 7/8 & 3/4** of POCSO Act, **Police Station - Khekra, District - Baghpat**, during the pendency of trial.

4. Learned counsel for the applicant has submitted that there are three victims in the instant case and that all of them are related to the applicant and were consenting parties, inasmuch as they had accompanied the applicant to visit Agra and Fatehpur Sikri Fort without raising any alarm at any point of time. It has further come in the statements of the victims that they were taken into custody by the police at Fatehpur Sikri, whereas their recovery has been shown from District Baghpat, on the basis of which it is argued that the alleged recovery from District Baghpat is sham.

5. Learned counsel has further submitted that victim V₁ is aged about 17 to 18 years, victim V₂ is aged about 16 to 17 years, and victim V₃ is aged

about 17 to 18 years, as per the ossification test report. It is also urged that, from their outward appearance, all the victims appear to be major and, having regard to the inherent margin of error in such tests, a leverage of about two years on the upper side ought to be granted to the applicant while determining the age of the victims. There is no medical corroboration of the incident. There is no criminal history of the applicant. The applicant is in jail since 19.02.2026. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

6. 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.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties and also considering the statement of the victims recorded u/s 183 BNSS which indicate towards their consent coupled by the fact that there being no medical corroboration of the incident, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

8. Let the applicant- **Anas**, 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 14, 2026

Siddhant