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HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 15185 of 2026

Akash @ Raj Dhuriya

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Abhijeet Pratap Singh, Praveen Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65
(Sl. No. 2 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. As informed by learned A.G.A., notice to the informant has been served on 27.4.2026.
2. Heard Sri Ashok Kumar Mishra, learned counsel for the applicant as well as Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 484 of 2025, under Sections 137(2), 87, 65(2) BNS and 5m/6 POCSO Act, Police Station Rasulpur, District Firozabad, 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. The case of consensual relationship between two adolescents has been converted to criminal case by the informant. The victim is the consenting party as far as the statement of the victim recorded u/s 183 is concerned, as she has stated that she had gone with the applicant all the way to Agra and thereafter, to Lucknow.
5. Learned counsel has next stated that the victim, by her physical appearance, seems to be major although in her statement recorded u/s 183 BNSS, she has stated her age to be 16 years and her date of birth as per Class IV certificate is 8.10.2008, which has no evidentiary value in the eyes of law. There is no valid document to suggest that victim was minor. The applicant himself is 19 years old youth.
6. Learned counsel for the applicant has further stated that there is no criminal history of the applicant. The applicant is languishing in jail since 25.10.2025 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 but could not dispute the submissions made by the counsel for the applicant.

8. POCSO was formulated to protect children under the age of 18 years from sexual exploitation. Nowadays, more often than not it has become a tool for their exploitation. The Act was never meant to criminalise consensual romantic relationships between adolescents. However, this has to be seen from the facts and circumstances of each case. The factum of consensual relationship borne out of love should be of consideration while granting bail because it would amount to perversity of justice if the statement of victim was ignored and accused was left to suffer behind jail.

9. 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 u/s 183 BNSS, whereby she seems to be consenting party and without expressing any opinion on the merits of the case, 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- **Akash @ Raj Dhuriya**, 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 verification of sureties, with the condition that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

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.)

May 6, 2026
Shalini