



2026:000:1112152

**HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 15418 of 2026**

Devi Singh

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	: Dev Prakash Sharma, Priyanka Devi
Counsel for Opposite Party(s)	: G.A.

Court No. - 65
(Sr. No.65 out of 269)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Ms. Priyanka Devi, learned counsel for the applicant, Sri Vikesh Kumar Tiwari, learned counsel for the informant, Sri Rajendra Prasad Singh, learned State Law Officer for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.15 of 2026, under Sections 137(2), 65(1) BNS and 5/6 POCSO Act, 2012, Police Station Kotwali Mahoba, District Mahoba, 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 victim is a consenting party, as she had gone with the applicant all the way to Haryana and established corporeal relationship with him. By her physical appearance, she seems to be major, although she is 17 years old as per ossification test report. In view of the inherent margin of error in such tests, it is urged that a leverage of two years on the upper side may be granted to the applicant while determining the age of the victim.
5. Learned counsel for the applicant has further argued that the victim was found pregnant at an advanced stage of about 7 months at the time of recovery. She has categorically stated that she wants to live with the applicant and not go with her parents. The applicant himself is a youth aged about 24 years. A matter of consensual relationship between two adolescents has been converted into a criminal one by the informant. The applicant is

ready to marry the victim and take care of her and the child born to her. The criminal history of two cases assigned to the applicant stands explained. The applicant is in jail since 20.02.2026 and he undertakes to cooperate with the trial and not misuse the liberty of bail.

6. Learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application and have stated that they have no objection if the applicant is ready to marry the victim and take care of her and the child born to her.

7. This Court is of the view that if a case for bail is otherwise made out, an accused cannot be kept incarcerated solely on account of his criminal antecedents. In the instant case, the criminal history attributed to the applicant has been properly explained.

8. 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 Section 183 BNSS and the fact that the applicant is ready to marry the victim and take care of her and the child born to her, 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**.

9. Let the applicant- **Devi Singh**, 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. **The applicant shall marry the victim within three months and deposit (fixed deposit) Rs.1 lakh in the name of the child under the guardianship of his/her mother till attaining the age of majority, within a period of six months from the date of his release from jail or from the date of delivery of the victim, whichever is later.**

10. 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/(Ravi Kant)