



**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**CRIMINAL MISC. BAIL APPLICATION No. - 15489 of 2026**

Satish Saini @ Chotu @ Virat

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite  
Party(s)

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|-------------------------------|----------------------------|
| Counsel for Applicant(s)      | : Sandeep Kumar Srivastava |
| Counsel for Opposite Party(s) | : G.A.                     |

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**Court No. - 65**  
(Sl. No. 8 out of 265)

**HON'BLE KRISHAN PAHAL, J.**

1. List has been revised. As informed by learned AGA, notice to the informant has been served on 27.04.2026 but none is present on behalf of the informant.
2. Heard Sri Sandeep Kumar Srivastava, learned counsel for the applicant and Sri Raj Kumar Khanna, learned Senior Counsel assisted by Sri R.K. Pal, learned counsel for the informant as well as 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. 67** of 2026, **under Sections 137(2), 64 of BNS and Sections 3/4 of POCSO Act, Police Station - Amroha Nagar, District - J.P. Nagar (Amroha)**, during the pendency of trial.
4. As per prosecution story, the applicant is stated to have enticed away the minor daughter of the informant on 17.02.2026 at about 08:15 AM.
5. Learned counsel for the applicant has argued that the applicant has been falsely implicated in the present case. The FIR was lodged with a delay of about 16 hours and no plausible explanation has been offered for this delay. It is further submitted that the victim appears to be a consenting party as per her statement recorded u/s 183 BNSS, as she willingly accompanied the applicant in his car all the way to Haridwar and did not raise any alarm during the journey or her stay. The victim

initially refused to undergo any medical examination, but later agreed to the same however, the medical examination does not corroborate the prosecution story.

6. Learned counsel further submits that her consent may also be inferred from the fact that no weapon was visibly seen in the possession of the applicant at the time, and that the victim only alleges that he threatened her. It is next contended that, by her looks, the victim appears to be major, though the ossification test report indicates her age to be between 17 and 18 years. In view of the permissible margin of error and the well-settled law laid down by the Supreme Court on ossification based age ascertainment, a liberal leverage of two years may be granted to the applicant on the upper side. There is no medical corroboration of the alleged incident. The applicant is in jail since 25.02.2026, having no criminal history to his credit, deserves to be released on bail. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

7. Per contra, learned AGA and learned Senior Counsel for the informant have vehemently opposed the bail application on the ground that as per medical report, epiphysis at medial end of clavicle appeared but are not fused which indicates that she was minor aged about 16 years. The consent of minor, if any, has no evidentiary value in the eyes of law, as such, the applicant is not entitled for bail.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties and also considering the delay in lodging the FIR and the statement of the victim recorded u/s 183 BNSS which indicates towards her 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**.

9. Let the applicant- **Satish Saini @ Chotu @ Virat**, 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.

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

**(Krishan Pahal,J.)**

**May 7, 2026**  
Siddhant