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HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 22348 of 2025

Arjun Pal

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	G.S.Chauhan, Ray Sahab Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

(Sr. No.80 out of 257)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Learned State Law Officer has informed that notice to the informant has been served on 26.6.2025.

2. Heard Sri G.S. Chauhan, learned counsel for applicant as well as Sri R.P. Patel, learned State Law Officer for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.54 of 2025, under Sections 64, 333, 351(2) BNS and 3/4 POCSO Act, Police Station Gursarai, District Jhansi, during the pendency of trial.

PROSECUTION STORY:

4. The applicant is stated to have committed rape upon the daughter of the informant, aged about 14 years, on 17.3.2025 at about 02:00 p.m. In the meantime, his nephew is stated to have reached there; upon seeing him, the applicant is stated to have run away from the place of occurrence.

ARGUMENTS ON BEHALF OF APPLICANT:

5. The applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the said offence.

6. The FIR is delayed by about four hours and there is no explanation of the said delay caused.

7. The victim seems to be a consenting party, which is but evident from her statement recorded U/s 183 BNSS as well as the FIR itself. It is stated by the victim that her cousin had reached there, as such, the applicant ran away from the place of occurrence. There is no sign of any resistance by the victim or raising of alarm by her.

8. The medical report also does not corroborate the prosecution story, as the victim has not sustained any injury on her body whatsoever.

9. The victim, in her statement before the doctor, has categorically stated that applicant had used a condom while committing the said offence, which itself indicates her consent.

10. The victim, by her looks, seems to be major, although she is stated to be 14 years old. The applicant himself is a 19 years old youth. There is no documentary evidence to indicate that victim was minor.

11. The applicant has no criminal history and is in jail since 19.3.2025. He undertakes to cooperate with the trial and not misuse the liberty of bail.

ARGUMENTS ON BEHALF OF STATE/INFORMANT:

12. The bail application has been opposed but the submissions raised by the learned counsel for the applicant could not be disputed.

CONCLUSION:

13. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that victim seems to be a consenting party, which is but evident from her statement recorded U/s 183 BNSS, 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**.

14. Let the applicant- **Arjun Pal**, 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.

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

(Krishan Pahal,J.)

May 13, 2026
Vikas Verma