



2026:AHC:91162

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 28259 of 2025

Chandbabu

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Chandra Prakash Kushwaha

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

Court No. - 65

(Sr. No.139 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Satya Prakash Rathore, Advocate holding brief of Sri Chandra Prakash Kushwaha, learned counsel for applicant, Ms. Priyanka Devi, learned counsel for the informant, Sri Jai Kishan Chaurasia, learned State Law Officer for the State and perused the material placed on record.

3. The present bail application has been filed by the applicant in Case Crime No.84 of 2025, under Sections 65(2), 333, 351(3) BNS and 5(n)/6 POCSO Act, Police Station Kabrai, District Mahoba with the prayer to enlarge him on bail.

4. As per prosecution story, the applicant is stated to have outraged the modesty of the victim and had also committed buccal coitus with her on 13.03.2025 at about 12:00 p.m.

5. Learned counsel for the applicant has stated that it is true that the FIR is prompt, but there is no medical corroboration of the incident. The applicant was employed at the shop of the informant, and his salary for 8 months was due from the informant; as such, he has been falsely implicated in the instant case. The applicant is in jail since 13.03.2025 and is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Per contra, learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application on the ground that the victim was a child of tender age, i.e., two and a half years old; as such, the applicant is not entitled to bail.

7. After hearing learned counsel for the parties and taking into consideration the nature of the allegations levelled against the applicant, that too against a child of tender age, i.e., two and a half years old, I do not find it a fit case for grant of bail to the applicant. The bail application is found devoid of merits and is, accordingly, ***rejected***.

8. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible in view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of ***Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220*** and ***Hussain and Another vs. Union of India; (2017) 5 SCC 702***, if there is no legal impediment.

9. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Krishan Pahal,J.)

April 23, 2026
(Ravi Kant)