



2026:000:104157

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 29918 of 2025

Faizan

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Akhilesh Kumar Singh, Amar Jeet Upadhyay, Arnab Banerji, Irshad Mohamad, Noor Mohammad, Shitlesh Pandey, Shivendra Nath Singh
Counsel for Opposite Party(s) : G.A., Uttar Kumar Goswami

Court No. - 65
(Sr. No.89 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Shitlesh Pandey, learned counsel for the applicant, Sri Uttar Kumar Goswami, learned counsel for the informant, 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.122 of 2025, under Sections 65(1), 351(2) BNS and Section 3/4 POCSO Act, Police Station Bhojpur, District Ghaziabad, during the pendency of trial.
4. As per prosecutions story, the applicant is stated to have raped his domestic helper/victim on 18.04.2025 and had even raped her several times before.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by more than one month, and there is no explanation for the said delay. There is no medical corroboration of the incident either. It is true that the victim was 13 years old as per school certificate, but by her physical appearance, she seems to be major. The applicant has no criminal history and is in jail since 23.05.2025. He undertakes to cooperate with the trial and not misuse the liberty of bail.

6. Learned counsel for the informant and learned State Law Officer have vehemently opposed the bail application on the ground that the victim was minor, aged about 13 years old. As per school certificate of Class VII, her date of birth is 08.09.2011; as such, the applicant, who is major aged about 19 years, is not entitled to bail. The statement of the victim is consistent at every stage.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay in the institution of the FIR and the fact that there is no medical corroboration of the incident, 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**.

8. Let the applicant- **Faizan**, 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.

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

(Krishan Pahal,J.)

May 6, 2026
(Ravi Kant)