2026:AHC:191080

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 28756 of 2026

Yashwant Yadav @ Chintu

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Naveen Kumar Yadav
Counsel for Opposite Party(s)	:	G.A., Sheetala Prasad Pandey

Court No. - 68

(Sr. No.33 out of 80 T.C.)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Naveen Kumar Yadav, learned counsel for the applicant, Sri Ashutosh Upadhyay, Advocate holding brief of Sri Sheetala Prasad Pandey, learned counsel for the informant as well as Sri Uma Shankar Mishra, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.177 of 2026, under Sections 64(1), 333, 352, 351(3) BNS and 3/4 POCSO Act, Police Station Mehdawal, District Sant Kabir Nagar, 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 is but evident from her statement recorded U/s 183 BNSS. The victim by her looks seems to be major, although she is stated to be 16 years old as per the 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. The applicant has no criminal history and is in jail since 4.5.2026. He undertakes to cooperate with the trial and not misuse the liberty of bail.

5. Learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application but the submissions raised by the learned

counsel for the applicant could not be disputed.

6. 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 as far as her statement recorded U/s 183 BNSS is concerned, 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***.

7. Let the applicant- **Yashwant Yadav @ Chintu**, be released on bail in the aforementioned case crime 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.

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

(Krishan Pahal,J.)

September 11, 2026
Vikas Verma

Digitally signed by :-
VIKAS VERMA
High Court of Judicature at Allahabad