



2026:AHC:70264

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 32206 of 2025

Dinesh Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ravi Pandey, S.S. Rajput
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

(Sr. No.62 out of 262)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Learned A.G.A. has informed that the notice to the informant has been served on 8.3.2026.
2. In compliance of order of this Court, the ossification test report has been received from the office of C.M.O., Aligarh, which reveals the medical age of the victim to be 17-18 years.
3. Heard learned counsel for the applicant, Sri Jai Kishan Chaurasia, learned State Law Officer for the State and perused the material placed on record.
4. Applicant seeks bail in Case Crime No.199 of 2025, under Sections 87, 137(2), 65(1) BNS and 3/4 POCSO Act, Police Station Gabhana, District Aligarh, during the pendency of trial.
5. 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 under Section 183 B.N.S.S., whereby she had traveled with the applicant to several places including Delhi and thereupon to Jammu.
6. It is further argued by learned counsel for the applicant that the victim, by her looks, seems to be major, although she is stated to be 17-18 years old as per the ossification test report. As such, a leverage of two years may be granted to the applicant on the upper side. The applicant has no criminal history and is in jail since 24.6.2025. He undertakes to cooperate with the

trial and not misuse the liberty of bail.

7. Learned State Law Officer has vehemently opposed the bail application but could not dispute the submissions made by the counsel for the applicant.

8. The Supreme Court in *Jaya Mala vs. State of J & K*, (1982) 2 SCC 538 and *Mohd. Imran Khan vs. State (Govt. of NCT of Delhi)*, (2011) 10 SCC 192 has opined that the radiologist cannot predict the correct date of birth rather there is a long margin of 1 to 2 years on either side.

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the statement of the victim recorded under Section 183 B.N.S.S., which indicates her consent, 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**.

10. Let the applicant- **Dinesh Kumar**, 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.

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

12. The original ossification test report shall be returned to the office of CMO concerned, after retaining photostat copy of the same on record.

(Krishan Pahal,J.)

April 2, 2026

Vikas Verma