



2026:AHC:191044

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 32318 of 2026

Vishal

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Krishna Kumar Pandey, Manish Kumar
Pandey

Counsel for Opposite Party(s) : G.A., Mohd Aadil Siddiqui

Court No. - 68

(Sr. No.13 out of 76)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Learned A.G.A. has informed that notice to the informant has been served on 2.9.2026.

2. Heard Sri Krishna Kumar Pandey, learned counsel for the applicant, Sri Mohd. Aadil Siddiqui, learned counsel for the informant as well as Sri Arun Kumar Mishra, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.725 of 2025, under Sections 137(2), 61(1) BNS and Section 4(2) POCSO Act, Police Station Majhola, District Moradabad, 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, whereby she has stated that she was in love with the applicant and she had gone with him out of her own sweet-will and had married him in a temple.

5. Learned counsel for the applicant has further argued that the victim by her looks seems to be major, although she is stated to be 17 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 15.7.2026. He undertakes to cooperate with the trial and not misuse the liberty of bail.

6. 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.

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 fact that victims 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***.

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

9. 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