



2026:AHC:196300

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 33321 of 2026

Ritik

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Gorakh Nath Trivedi, Rajesh Kumar,
Sonam Trivedi
Counsel for Opposite Party(s) : G.A., Radhey Shyam Yadav

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Gorakh Nath Trivedi, learned counsel for the applicant, Sri Radhey Shyam Yadav, learned counsel for the informant as well as Sri R.P. Patel, learned State Law Officer and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 13 of 2026, under Sections 137(2), 64(2) BNS and 5/6 POCSO Act, Police Station Pilua, District Etah, 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 under Section 183 B.N.S.S., whereby she had called the applicant after taking a room on rent at Sonipat and she has married him and has expressed her willingness to live with him. She is stated to be pregnant at this point of time. The applicant is ready to take care of his wife and the foetus in her womb. The victim, by her physical appearance, seems to be major although her age is 15-16 years as per 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.
5. Learned counsel for the applicant has further stated that there is no

criminal history of the applicant. The applicant is languishing in jail since 19.5.2026 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Learned State Law Officer and learned counsel for the informant have vehemently opposed the bail application but could not dispute the submissions made by the counsel for the applicant.

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 statement of the victim recorded u/s 183 BNSS, whereby she seems to be consenting party and has married him and without expressing any opinion on the merits of the case, 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- **Ritik**, who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to verification of sureties, with the following conditions:

(i) The applicant shall take care of his wife (victim) and the offspring born subsequently, if any. The applicant shall deposit (Fixed Deposit) a sum of Rs. 1 lakh in the name of victim within a period of three months from the date of his release from jail.

(ii) The applicant shall not tamper with evidence during trial.

(iii) The applicant shall not pressurise/intimidate with the prosecution witnesses.

(iv) The applicant shall appear before the trial court on the date fixed.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

September 18, 2026

Shalini