



2025:0001:105147

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38637 of 2025

Abrar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Syed Shahnawaz Shah

Counsel for Opposite Party(s) : G.A., Meena Mishra, Mohammad Tahir
Kurashi, Mohd Shamim Khan

Court No. - 65

(Sr. No.116 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Compliance affidavit filed by learned A.G.A. and counter affidavit filed by learned counsel for the informant are taken on record. Learned counsel for the applicant does not propose to file any rejoinder affidavit to the counter affidavit filed on behalf of the informant.

2. Heard Sri Syed Shahnawaz Shah, learned counsel for the applicant, Sri Mohammad Tahir Kurashi, learned counsel for the informant, Ms. Meena Mishra, learned counsel for High Court Legal Service Committee as well as 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.212 of 2025, under Sections 64(2)(M,I), 351(2) BNS and 3/4, 5J(2), 5L/6 POCSO Act, Police Station Sarsawa, District Saharanpur, 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 liked the applicant as per her statement recorded under section 183 BNSS. She has stated that she was impregnated by the applicant and she felt pain on her vital parts, but the applicant is stated to have subsequently refused to marry her as his mother suspected her fidelity. As such, it is a clear cut case of false implication.

5. Learned counsel for the applicant has further argued that the applicant

himself is a youth, aged about 19 years old. A matter of consensual relationship between two adolescents have been converted into a criminal case by the informant. The victim, by her looks, seems to be major, although she is stated to be 16 years old. There is no valid document to suggest that she is minor. The applicant has no criminal history and is in jail since 23.6.2025. He undertakes to cooperate with the trial and not misuse the liberty of bail.

6. Learned counsels for opposite party have vehemently opposed the bail application on the ground that victim is 16 years old and she was found pregnant at the time of recovery. Learned AGA has also opposed the bail application and has stated that the said pregnancy has been terminated at the behest of the informant.

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 FIR is delayed as no date and time of offence is mentioned in it coupled by the fact that victim seems to be a consenting party, 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- **Abrar**, 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
Vikas Verma