



2026:AHC:70780

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39356 of 2025

Chhotu

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sanjay Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

(Sl. No. 66 out of 262)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. As informed by learned State Law Officer, notice to the informant has been served on 09.11.2025 but none is present on behalf of the informant.

2. Heard Sri Sanjay Mishra, learned counsel for the applicant and Sri Jai Kishan Chaurasia, learned State Law Officer and also perused the material placed on record.

3. Applicant seeks bail in **Case Crime No. 228 of 2025, under Section 65(2) of BNS and Sections 5M/6 of POCSO Act, Police Station - Saifai, District - Etawah**, 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. He has nothing to do with the said offence as alleged in the FIR. The FIR is delayed by about ten hours and there is no explanation of the said delay caused.

5. Learned counsel has further submitted that there is no medical corroboration of the alleged incident. It is contended that although the victim is stated to be of tender age. It is argued that had the alleged offence been committed, some injury would have been observed by the doctor during medical examination. It is further submitted that the refusal of the victim to undergo medical examination casts doubt on the

prosecution case and raises a presumption in favour of the applicant.

6. Learned counsel has next contended that the applicant is languishing in jail since 24.9.2025, having no criminal history, deserves to be released on bail. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

7. Per contra, learned State Law Officer has vehemently opposed the bail application but unable to dispute the submissions raised by the learned counsel for the applicant and also the fact that the applicant has no criminal history.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, nature of offence, severity of punishment, the delay in lodging the FIR and also considering the fact that there being no medical corroboration of the incident, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

9. Let the applicant- **Chhotu**, 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.

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

(Krishan Pahal,J.)

April 2, 2026
Siddhant