



2025:AHJ:167288

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 42128 of 2025

Rajpal

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Nirbhay Singh

Counsel for Opposite Party(s) : Anil Kumar Shukla, Mohd. Aqueel
Khan, G.A., Sadhana Dubey

Court No. - 65

(Sr. No.181 out of 277)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Nirbhay Singh, learned counsel for the applicant, Sri Mohd. Aqueel Khan, learned counsel for the informant, Ms. Sadhana Dubey, learned counsel for High Court Legal Service Committee as well as Sri Jai Kishan Chaurasia, learned State Law Officer for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.305 of 2025, under Sections 65(1), 352, 351(3) BNS and 3/4(2) POCSO Act, Police Station Patiali, District Kasganj, 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 FIR is delayed and there is no explanation of the said delay caused. The allegations in the FIR were regarding outraging the modesty only, but the said allegations have been escalated to that of rape by the victim in her statement recorded U/s 183 BNSS as an afterthought.

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 16 years old as per the ossification test report. The applicant has no criminal history and is in jail since 3.10.2025. He undertakes to cooperate with the trial and not misuse the liberty of bail.

6. Learned State Law Officer, learned counsel for the informant and learned counsel for High Court Legal Service Committee have vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

7. 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.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay in institution of FIR coupled by the fact that the allegations of rape have been raised subsequently, 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***.

9. Let the applicant- **Rajpal**, 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 20, 2026
Vikas Verma