



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 44563 of 2025

Sarik Alias Shariq

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Annie Mohib, Mohd. Afzal Ansari,
Ravi Shankar Tripathi
Counsel for Opposite Party(s) : G.A., Rajesh Kumar Pandey, Shesh
Mani, Vijyeta Gupta

Court No. - 65
(Sr. No.123 out of 269)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Ravi Shankar Tripathi, learned counsel for the applicant, Sri Rajesh Kumar Pandey, learned counsel for the informant, Ms. Vijyeta Gupta, learned counsel for High Court Legal Service Committee 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.305 of 2025, under Sections 137(2), 87, 64(1) BNS and 3/4(2) POCSO Act, Police Station Bilsa, District Budaun, 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 by about one day and there is no explanation of the said delay caused. The victim is a consenting party as is but evident from her statement recorded under Section 183 B.N.S.S., whereby she travelled with the applicant all the way to Delhi and had not raised any alarm whatsoever during the said sojourn.
5. It is further argued by learned counsel for the applicant 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 1.11.2025. 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 the applicant breached the trust of the victim as he after establishing corporeal relationship with her had left her to go nowhere and she was found alone in Shahdara, Delhi and somehow she garnered courage and returned back to Budaun, and thereupon her statement was recorded. As such, the applicant is not entitled to bail.

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 victim was a consenting party and had gone with the applicant all the way to Shahdara, Delhi and had not raised any alarm whatsoever, 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- **Sarik Alias Shariq**, 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 14, 2026

Vikas Verma