



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 45826 of 2025

Abhishek Pal

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	: Krishna Dutt Awasthi
Counsel for Opposite Party(s)	: Alka Upadhyay, G.A.

Court No. - 65
(Sr. No.121 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Learned State Law Officer has informed that the notice to the informant has been served on 20.12.2025. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Sri Krishna Dutt Awasthi, learned counsel for the applicant, Ms. Alka Upadhyay, learned counsel for High Court Legal Service Committee as well as Sri Rajendra Prasad Singh, learned State Law Officer for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.65 of 2025, under Sections 137(2), 87, 64 BNS, Section 4 POCSO Act and 3(2)(V) SC/ST Act, Police Station Auraiya, District Auraiya, 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 has stated that she had gone with the applicant out of her own sweet-will and had married him.
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 school certificate. The applicant himself is a 19 years old youth. The matter of consensual relationship between two adolescents has been converted into a criminal case by the informant. The criminal history

assigned to the applicant has been explained. He is in jail since 29.1.2025. He undertakes to cooperate with the trial and not misuse the liberty of bail.

6. Per contra, learned counsel for High Court Legal Service Committee and learned State Law Officer have vehemently opposed the bail application but could not dispute the submissions made by the counsel for the applicant.

7. The POCSO Act was formulated to protect children under the age of 18 years from sexual exploitation. Nowadays more often than not it has become a tool for their exploitation. The Act was never meant to criminalise consensual romantic relationships between adolescents. However, this has to be seen from the facts and circumstances of each case. The fact of consensual relationship borne out of love should be of consideration while granting bail because it would amount to perversity of justice if the statement of victim was ignored and accused was left to suffer behind jail.

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 statement of the victim recorded under Section 183 B.N.S.S., which indicates her consent, 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- **Abhishek Pal**, 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.)

May 6, 2026
Vikas Verma