HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 24614 of 2026

Bhagwandas Raikwar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Dev Prakash Sharma, Priyanka Devi
Counsel for Opposite Party(s)	:	G.A., Madhu Lata Singh, Rafeek Ahmad Khan

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Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard counsel for the applicant and Mohd. Owais, Advocate, holding brief of Mr. Rafeek Ahmad Khan, counsel for the informant as well as Sri Shashank Shekhar Pandey, learned A.G.A. for the State. Perused the material available on record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 86 of 2026, under Sections 137(2), 65(1) B.N.S. and Section 4(2) of POCSO Act, Police Station- Shrinagar, District- Mahoba, during the pendency of trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. The victim is a major. The age of the victim was incorrectly got registered in the school records by the victim's parents to give her advantage in life. There is no lawful basis for the age related entry of the victim in the school records. Further, as per the report of the Chief Medical Officer, Mahoba dated 01.06.2026, the victim was found aged about 16 years. The range of error in determining the age is about two years and the same should be read in favour of the applicant at this stage. It is next contended that the victim in her statements recorded under Section 180 B.N.S.S. and 183 B.N.S.S. stated that she voluntarily left her house, accompanied the applicant and established relationship with him. Such conduct of the victim shows that she was a consenting party. There is no allegation of any forceful assault against the applicant. At this stage, there is no corroborative evidence to link the applicant with the offence. Criminal history of the applicant has been explained in paragraph-2 of the

supplementary affidavit. The applicant is in jail since 01.06.2026 and in case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. for the State has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record, this Court *prima facie* finds that as per the statements of the victim recorded under Section 180 B.N.S.S. and 183 B.N.S.S., she voluntarily left her house, accompanied the applicant and established relationship with him. Such conduct of the victim shows that she was a consenting party. There is no allegation of any forceful assault against the applicant. At this stage, there is no corroborative evidence to link the applicant with the offence. Moreover, the applicant has remained confined for more than four and half months and after submission of the charge sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant **Bhagwandas Raikwar**, involved in the aforesaid case be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence; and,

(iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

October 27, 2026
Manish Kr

(Vivek Varma,J.)

Digitally signed by :-
MANISH KUMAR
High Court of Judicature at Allahabad