2026:AHC:210721

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 28115 of 2026

Shivam Alias Evank

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Amit Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Learned AGA submits that notice of this bail application has been served upon the opposite party no. 3/C.W.C. on 22.7.2026 and upon opposite party no. 2/informant on 23.7.2026. The receiving endorsements, produced by learned AGA are taken on record. However, no one appears on behalf of the said opposite parties nor any counter affidavit has been filed on their behalf.

2. Heard learned counsel for the applicant, Sri N.K. Sharma, learned A.G.A. for the State and perused the record.

3. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 476 of 2026, under Sections 137(2), 87, 65(1) B.N.S., and Section 5L/6 of POCSO Act, Police Station- Khalilabad, District- Sant Kabir Nagar during pendency of the trial.

4. 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. As per the supplementary medical report dated 18.6.2026, the victim was found aged 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. Placing reliance upon the statements of the victim recorded under Sections 180 and 183 B.N.S.S. it is contended that the applicant and the victim were in consensual relationship for almost one year. The victim had accompanied the applicant to his

voluntarily. The applicant is in jail since 7.6.2026 having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.

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

6. 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 Sections 180 and 183 B.N.S.S., the applicant and the victim were in consensual relationship for almost one year. At this stage, there is no evidence to link the applicant with the offence. The applicant has no criminal antecedents. Further, the applicant has presently remained confined for more than three months and 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 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.

7. Let the applicant, Shivam @ Evank involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

i. the applicant shall not tamper with the prosecution evidence;

ii. the applicant shall not pressurize the prosecution witness;

iii. the applicant shall appear on each and every date fixed by the trial court.

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

(Vivek Varma,J.)

October 8, 2026
S.S.

Digitally signed by :-
SIDDHARTH SRIVASTAVA
High Court of Judicature at Allahabad