2026:AHC:209898

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 28930 of 2026

Pawan Chaudhary

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Subhash Singh Yadav
Counsel for Opposite Party(s)	:	G.A., Navneet Kumar Mishra

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Case called out in the revised list. Learned counsel for the informant is not present.

2. Heard learned counsel for the applicant and Sri Shashank Shekhar Pandey, learned A.G.A. for the State-opposite party.

3. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 151 of 2026, under Sections 137(2), 87, 65(1) B.N.S. and 5L/6 POCSO Act, Police Station Jamania, District Ghazipur during the pendency of the trial.

4. Learned 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 disclosing her age and the entries made are unbelievable. It is next contended that the victim in her statements recorded under Sections 180 and 183 B.N.S.S. stated that she had voluntarily left her house and accompanied the applicant to Mumbai, solemnized marriage with him and established relations. There is no allegation of any forceful assault against the applicant. The applicant is in jail since 09.06.2026 having no criminal history and if he is released on bail, he will not misuse the said liberty.

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

6. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the victim in her statements recorded under Sections 180 and 183 B.N.S.S. stated that she had voluntarily left her house and accompanied the applicant to Mumbai, solemnized marriage with him and established relations. 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. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for almost four months and after submission of the charge-sheet there is no hope of early conclusion of trial, and 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, therefore, 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- Pawan Chaudhary, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of 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.

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.

October 7, 2026
SKT/-

(Vivek Varma,J.)

Digitally signed by :-
SHIVA KANT TIWARI
High Court of Judicature at Allahabad