2026:AHC:210139

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 28122 of 2026

Pawan

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Saurabh Singh, Shakti Dubey, Vinay Kumar Tripathi
Counsel for Opposite Party(s)	:	Deepak Kumar Srivastava, Deepanshi Srivastava, G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard counsel for the applicant and Ms. Deepanshi Srivastava, counsel for the informant as well as Sri Anupam Anand, learned Brief Holder 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. 294 of 2026, under Sections 333, 351(3), 131, 64(1), 115(2) of B.N.S. and Section 3/4 of POCSO Act, Police Station- Sindhauli, District- Shahjahanpur, during the pendency of trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 21.6.2026, whereas the first information report was lodged on 23.06.2026. The delay in lodging the first information report is fatal to the prosecution 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. The first information report does not contain any allegation of rape against the applicant. Further, the victim in her two statements recorded under Section 180 B.N.S.S. stated that the applicant had committed rape upon her. Subsequently, in her statement recorded under Section 183 B.N.S.S. the victim stated that the applicant had acted indecently with her. It is contended that the inconsistencies in the first information report and the statements of the victim recorded under Section 180 and 183 B.N.S.S. discredit the prosecution case at this stage. The medical examination report

dated 25.6.2026 does not record any external or internal injury on the body of the victim. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 05.07.2026 having no criminal antecedents and in case he is enlarged on bail, he will not misuse the said liberty.

4. Learned Brief Holder for the State and counsel for the informant have 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 the first information report has been lodged belatedly. There are inconsistencies between the first information report and the two statements of the victim recorded under Section 180 and 183 B.N.S.S. The medical examination report dated 25.6.2026 does not record any external or internal injury on the body of the victim. At this stage, there is no corroborative evidence to link the applicant with the offence. Moreover, the applicant has no criminal antecedents and has remained confined for more than three 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 **Pawan**, 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 7, 2026
Manish Kr

(Vivek Varma,J.)

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