2026:AHC:211016

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 29111 of 2026

Sanjeev @ Nanhe

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Bhaskar Bhadra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Sri Nagendra Kumar Mishra, learned Brief Holder for the State submits that the notice of the present application has been served upon the informant/opposite party no.3 on 01.08.2026 and C.W.C./opposite party no.4 on 07.08.2026. The receiving endorsements produced by learned Brief Holder 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 counsel for the applicant and learned Brief Holder for the State. Perused the material available on record.

3. The present bail application has been filed with a prayer to enlarge the applicant on bail in Session Case No.980 of 2026, Case Crime No.35 of 2026, under Sections 137(2), 87, 64 B.N.S. and Section 5(j)(ii)/6 of POCSO Act, Police Station- Binawar, District- Budaun, during the pendency of trial.

4. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 29.01.2026, whereas the first information report was lodged on 12.02.2026. The inordinate 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. As per the report of the Chief Medical Officer dated 06.03.2026, the victim was found aged about fifteen years. It is contended that the relevant scientific parameters as per the latest medical protocol which would establish the majority of the victim has been excluded

from consideration in the medical report. The medical report is flawed. It is next contended that the victim in her statement recorded under Section 180 B.N.S.S. stated that she is aged 18 years and had voluntarily left her house following an altercation with her father and had gone to Bareilly. In the said statement there is no allegation against the applicant. However, the victim in her statement recorded under Section 183 B.N.S.S. narrated a contrary version and stated that she voluntarily left her house as her father used to beat and abuse her. She further stated that she accompanied the applicant to Mumbai and established relations with him. There is no allegation of any forceful assault against the applicant. It is further contended that the material inconsistencies between the statements of the victim recorded under Section 180 and 183 B.N.S.S. discredit the prosecution case. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 19.5.2026 having no criminal antecedents and in case he is enlarged on bail, he will not misuse the said liberty.

5. Learned Brief Holder for the State has 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 the first information report has been lodged beletadely. There are material inconsistencies between the statements of the victim recorded under Section 180 and 183 B.N.S.S. 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 no criminal antecedents and has remained confined for more than four 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.

7. Let the applicant **Sanjeev @ Nanhe**, 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.

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 8, 2026

Manish Kr

(Vivek Varma,J.)

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