2026:AHC:210792

# HIGH COURT OF JUDICATURE AT ALLAHABAD

## CRIMINAL MISC. BAIL APPLICATION No. - 28870 of 2026

Sachin Pasi

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

| | | |
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| Counsel for Applicant(s) | : | Md Faiz Siddiqui |
| 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. 2/informant on 16.8.2026. The receiving endorsement, produced by learned AGA is taken on record. However, no one appears on behalf of the said opposite party nor any counter affidavit has been filed on her behalf.

2. Heard learned counsel for the applicant, Sri V.P. Tripathi, 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. 176 of 2026, under Section 69 B.N.S., and Section 3/4 of POCSO Act, Police Station- Sarai Akil, District- Kaushambi during pendency of the trial.

4. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 10.6.2026, whereas the first information report was lodged on 13.6.2026. 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. As per the report of radiologist, the victim was found aged between 17 to 18 years. Placing reliance upon the first information report and the statement of the victim under Section 180 B.N.S.S. it is contended that the relations between the victim and the applicant were in consensual in nature. However, the victim in her statement under Section 183 narrated a contrary version and stated that the applicant committed rape upon her. It is stated that the subsequent statement has been made to aggravate the offence and to save the failing prosecution case. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 17.6.2026 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 the first information report has been lodged belatedly. There are material inconsistencies between the statements of the victim under Sections 180 and 183 B.N.S.S. At this stage, there is no corroborative 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, Sachin Pasi 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.

**October 8, 2026**
S.S.

**(Vivek Varma,J.)**

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