2026:AHC:211733

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 29097 of 2026

Vishal

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ganesh Kumar
Counsel for Opposite Party(s)	:	G.A., Shashi Kant Shukla

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant, Sri Shashi Dhar Shukla, learned counsel for the informant as well as Sri N.K. Sharma, learned A.G.A. for the State and perused the record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 248 of 2026, under Sections 87, 137(2), 64(1) B.N.S., and Section 5(l)/6 POCSO Act, Police Station- Dudhara, District- Sant Kabir Nagar, during pendency of the trial.

3. Learned counsel for the applicant contends 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. Further, as per report of the Medical Board dated 15.06.2026, the victim was found aged about 17 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. Further, the victim, in her statements recorded under Sections 180 and 183 B.N.S.S., stated that she had voluntarily left her house, accompanied the applicant, solemnized marriage with him and established relations. There is no allegation of any forceful assault against the applicant. The applicant is in jail since 17.06.2026 having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned counsel for the informant and learned A.G.A. for the State 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 as per report of the Medical Board dated 15.06.2026, the victim was found aged about 17 years. The victim in her statements recorded under Sections 180 and 183 B.N.S.S., stated that she had voluntarily left her house, accompanied the applicant, solemnized marriage with him and established relations with him. 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. Further, the applicant has no criminal history and has remained confined for more than three months and after submission of 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 merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, **Vishal** 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.

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 8, 2026
Abhishek

(Vivek Varma, J.)

Digitally signed by :-
ABHISHEK SINGH
High Court of Judicature at Allahabad