2026:AHC:211626

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 29189 of 2026

Panchu

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Gaurav Pandey, Pravesh Kumar Pandey, Yadvendra Yadav
Counsel for Opposite Party(s)	:	G.A., Varsha Srivas

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant, Sri N.K. Sharma, learned A.G.A. for the State and Sri Kumar Anubhav, Advocate holding brief of Ms. Varsha Srivas, counsel for the informant. Perused the record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 24 of 2026, under Sections 137(2), 70(2) B.N.S., and Section 5(g)/6 POCSO, Police Station- Santnagar, District- Mirzapur during pendency of the trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 12.3.2026, whereas the first information report was lodged on 14.3.2026. 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 dated 17.3.2026, the victim was found aged 16 to 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 statement under Section 180 B.N.S.S. did not level any allegation of rape against the applicant. However, the victim in her statement under Section 183 B.N.S.S. narrated a contrary version. It is contended that the inconsistencies in the statements of the victim under Sections 180 and 183 B.N.S.S. discredit the prosecution case at this stage. The medical report does not corroborate the prosecution version. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 18.3.2026 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 and counsel for the informant have 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 inconsistencies in the statements of the victim under Sections 180 and 183 B.N.S.S. The medical report does not corroborate the prosecution version. 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 two 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, Panchu 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