2026:AHC:209753

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30161 of 2026

Jalil

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Anand Singh Yadav, Mantosh Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Sri Anupam Anand, learned Brief Holder for the State, submits that notice of the present application has been served upon the informant-opposite party no. 2 and the Child Welfare Committee, Jaunpur- opposite party no. 4 on 17.08.2026 and 20.08.2026 respectively. The receiving endorsements produced by the 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 learned counsel for the applicant and Sri Anupam Anand, learned Brief Holder for the State-opposite party.

3. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 40 of 2026, under Sections 137(2), 87, 64(1) B.N.S. and 3/4 POCSO Act, Police Station Teji Bazar, District Jaunpur during the pendency of the trial.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The victim is a major. There is no educational certificate disclosing the exact age of the victim. As per the ossification test report submitted by Chief Medical Officer, Jaunpur, the victim was found aged 14 years. It is contended that the relevant scientific parameters as per 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. The victim is, in fact, major. It is next contended that the victim in her statements recorded under Sections 180 and 183 B.N.S.S. stated that she had voluntarily left her house and 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 11.03.2026 having no criminal history and if he is released 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 learned counsel for the parties and after perusal of the record, this Court prima facie finds that the victim in her statements recorded under Sections 180 and 183 B.N.S.S. stated that she had voluntarily left her house and accompanied the applicant, solemnized marriage with him and established relations. 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. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than six months and after submission of the charge-sheet there is no hope of early conclusion of trial, and 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, therefore, 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- Jalil, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of 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 7, 2026
SKT/-

(Vivek Varma,J.)

Digitally signed by :-
SHIVA KANT TIWARI
High Court of Judicature at Allahabad