2026:AHC:210171

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. BAIL APPLICATION No. - 30112 of 2026**

Alagu Saroj

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

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| Counsel for Applicant(s) | : | Tej Bahadur Saroj |
| Counsel for Opposite Party(s) | : | G.A., Raj Kumar Yadav, Salil Krishna |

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**Court No. - 64**

**HON'BLE VIVEK VARMA, J.**

1. Heard counsel for the applicant and Sri Salil Krishna, counsel for the informant as well as Sri Neeraj Kumar Sharma, learned A.G.A. for the State. Perused the material available on record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 262 of 2025, under Sections 137(2), 87, 65(1) of B.N.S. and Section 5L/6 of POCSO Act, Police Station- Gahmar, District- Ghazipur, during the pendency of trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 04.12.2025, whereas the first information report was lodged on 08.12.2025. The delay in lodging the first information report is fatal to the prosecution case. The victim is a major. As per the report of the Medical Board dated 18.12.2025, the victim was found aged about 14 to 16 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. Placing reliance upon the statements of the victim recorded under Section 180 B.N.S.S. and 183 B.N.S.S., it is contended that the victim had accompanied the applicant to Varanasi, Mohammadabad and solemnized marriage with him at a temple. The victim was present at public places, but she did not raise any protest or alarm. Such conduct of the victim shows that she was a consenting party. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 12.12.2025 having no criminal antecedents and in case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. for the State has 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 first information report has been lodged belatedly. As per the report of the Medical Board dated 18.12.2025, the victim was found aged about 14 to 16 years. The victim was present at public places, but she did not raise any protest or alarm. Such conduct of the victim shows that she was a consenting party. 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 almost ten 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.

6. Let the applicant **Alagu Saroj**, 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.

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 7, 2026**
Manish Kr

**(Vivek Varma,J.)**

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