2026:AHC:210108

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30182 of 2026

Rahul Yadav

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rajendra Prasad Pandey, Rakesh Kumar Pandey
Counsel for Opposite Party(s)	:	G.A., Raj Nath Bhakta, Vinod Kumar

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant, Sri V.P. Tripathi, learned A.G.A. for the State-opposite party, and Sri Raj Nath Bhakta, learned counsel for the informant.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 102 of 2026, under Sections 137(2), 87, 65(1), 351(3), 127 B.N.S. and 3/4 POCSO Act, Police Station Suriyawa, District Bhadohi during the pendency of the trial.

3. Learned counsel for the applicant submits 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 the report of the Medical Board dated 24.04.2026, the victim was aged 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. Placing reliance upon the statements of the victim recorded under Sections 180 and 183 B.N.S.S. it is contended that the victim had accompanied the applicant to Mumbai by train and stayed there with him. The victim was present at public places. She did not raise any alarm nor did she resist the applicant. Her conduct shows that she was a consenting party. The applicant is in jail since 22.04.2026 having no criminal history and if he is released on bail, he will not misuse the said liberty.

4. Learned A.G.A. and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that as per the statements of the victim recorded under Sections 180 and 183 B.N.S.S., she had accompanied the applicant to Mumbai by train and stayed there with him. The victim was present at public places. She did not raise any alarm nor did she resist the applicant. Her conduct shows that she was a consenting party. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than five 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.

6. Let the applicant- Rahul Yadav, 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.

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
SKT/-

(Vivek Varma,J.)

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