2026:AHC:208354

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30028 of 2026

Rohit

.....Applicant(s)

Versus

The State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Hari Nath Chaubey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Learned AGA submits that notice of this bail application has been served upon the opposite party no. 4/C.W.C. on 21.8.2026 and upon opposite party no. 2/informant on 22.8.2026. The receiving endorsements, produced by learned AGA 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, Sri V.P. Tripathi, learned A.G.A. for the State and perused the record.

3. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 237 of 2026, under Sections 64(1), 351(2) B.N.S., and Section 3/4 of POCSO Act, Police Station- Bhognaipur, District- Kanpur Dehat during pendency of the trial.

4. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 9.7.2026, whereas the first information report was lodged on 11.7.2026. The delay in lodging the first information report is fatal to the prosecution case. As per the medical examination conducted on 11.7.2026 no external

injury was seen during examination. The victim refused to get herself examined internally. As per the report of Chief Medical Officer dated 16.7.2026 the victim was found 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. Further, the victim in her statement recorded under Section 180 B.N.S.S. stated that she had voluntarily left her house as her mother scolded her. She categorically stated that she does not know the applicant. She further stated that no one had acted indecently with her. The applicant is in jail since 17.7.2026 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 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. As per the medical examination conducted on 11.7.2026 no external injury was seen during examination. As per the report of Chief Medical Officer dated 16.7.2026 the victim was found aged 17 years. Further, the victim in her statement recorded under Section 180 B.N.S.S. stated that she had voluntarily left her house as her mother scolded her. She categorically stated that she does not know the applicant and that no one had acted indecently with her. 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, Rohit 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 6, 2026
S.S.

(Vivek Varma,J.)

Digitally signed by :-
SIDDHARTH SRIVASTAVA
High Court of Judicature at Allahabad