HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 32991 of 2026

Dileep Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s) : Ajay Singh Sengar, Vijay Singh Sengar
Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Sri Ajay Singh, learned AGA submitted that notice has been served to the opposite party no. 4 i.e. informant of the case on 26.8.2026 but it reflects, despite service of notice none appeared on behalf of the informant. Considering the observation made by the co-ordinate Bench of this Court in the case of **Ajeet Chaudhary Vs. State of Uttar Pradesh AIR Online 2021 AII 1149,** the instant bail application is being heard on merit.

2. Heard Sri Ajay Singh Sengar, learned counsel for the applicant and Sri Ajay Singh, learned AGA for the State-respondent.

3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 72 of 2026, under Sections137(2), 87, 65(1) BNS and 3/4(2) POCSO Act, Police Station Sahayal, District Auraiya, during pendency of the trial in the court below.

4. Learned counsel for the applicant submitted that however as per prosecution victim was below 18 years of age and applicant enticed her away and made physical relationship with her but entire allegations levelled against the applicant are totally false.

5. He further submitted that actually victim and applicant both known to each other and victim herself had gone alongwith the applicant and she also performed marriage with him and even this fact is evident from her both the statements recorded under sections 180 and 183 BNSS.

6. He further submitted that however as per school record victim was about fifteen and half years old but actually she is major aged about 18 years and it

reflects, her parents did not disclose her correct age in her school record.

7. He further submitted that even considering the statements of the victim recorded during investigation it is not proper to withhold the instant bail application.

8. He further submitted that applicant is having no previous criminal history and he is in jail in the present matter since 7.6.2026.

9. Per contra, learned AGA opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicant.

10. I have heard learned counsel for the parties and perused the record of the case.

11. However as per school record age of the victim appears to be about 15 years and 6 months but from the statements of the victim it reflects, she herself had gone with the applicant and even performed marriage with him.

12. Considering the statements of the victim recorded during investigation in view of this Court it is not proper to withhold the instant bail application merely on the basis of age of the victim disclosed in her school record particularly considering the fact that applicant also appears to be a young man aged about 20 years.

13. Further, applicant is having no previous criminal history and he is in jail in the present matter since 7.6.2026.

14. Therefore, considering the facts and circumstances of the case, discussed above, in my view, applicant is entitled to be released on bail.

15. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

16. Let the applicant-**Dileep Kumar,** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade

him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

17. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

18. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

October 27, 2026
Ankita

(Sameer Jain,J.)

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