HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33852 of 2026

Ajay

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Salman Ahmad
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Sri Shatrughan Yadav, learned brief holder for the State submitted that on 2.9.2026 notice has been served to informant. It reflects, despite service of notice none appeared on behalf of informant. Therefore, considering the observation made by co-ordinate Bench of this Court vide order dated 11.1.2021 passed in the case of ***Ajeet Chaudhary vs State Of U.P. and Another (AIR ONLINE 2021 ALL 1149)***, the instant bail application is being heard.

2. Heard Sri Salman Ahmad, learned counsel for applicant, Sri Shatrughan Yadav, learned brief holder for the State.

3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.125 of 2026, under Sections 137(2), 87, 65(1) BNS and 5L/6 POCSO Act, Police Station Kotwali Orai, District Jalaun, during pendency of the trial.

4. Learned counsel for applicant submits, however, as per prosecution, victim was about 13 years of age and applicant made physical relationship with her, but entire allegation leveled against applicant are totally false.

5. He next submits, from the statements of victim recorded under Sections 180 and 183 BNSS, it reflects victim wanted to

perform marriage with applicant and she herself had gone along with applicant and even performed marriage with him.

6. He next submits, even from her statement recorded under Section 183 BNSS, it reflects applicant refused to take her to Gujarat, but she insisted for that and this fact again suggests applicant is innocent.

7. He further argued, in the FIR and in the statements victim disclosed her age 15 years.

8. He next submit even look-wise victim appears to be more than 17 years of age.

9. He further submits applicant is innocent and he did not commit any offence.

10. He next submits, applicant is not having any criminal history and in the present matter he is in jail since 12.03.2026, i.e. for last seven and half months.

11. Per contra, learned AGA opposed the prayer for bail and submitted, from the school record it reflects that the age of the victim was about 12 years 7 months and, therefore, her consent is immaterial.

12. He next submits, applicant is adult man of more than 21 years.

13. He further submits, therefore, considering the facts of the case, instant bail application may be dismissed.

14. I have heard both the parties and perused the record of the case.

15. However, from the school record of the victim, it reflects she was 12 years 7 months old, but this date of birth is based on her eighth class record.

16. Further, even victim in her both the statements disclosed

her age 15 years and according her, she had already performed marriage with applicant. Considering these facts, prima facie, the age of the victim disclosed in her school record appears to be doubtful.

17. Further, from the statements of the victim recorded under sections 180 and 183 BNSS also it reflects, she herself had gone along with applicant and even insisted her to perform marriage with her and thereafter perform marriage with applicant. From the statement of the victim recorded under sections 180 and 183 BNSS, it further reflects applicant refused to take her to state of Gujarat, but on her insistence, he has taken her to Gujarat.

18. Considering the over all facts and circumstances of the case, this Court finds merit in the argument advanced by learned counsel for the applicant that, prima facie, applicant appears to be innocent. However, he is about 21 years of age.

19. Further, even applicant is not having any previous criminal history and in the present matter, he is in jail for last more than seven months.

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

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

22. Let the applicant - **Ajay** 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.

23. 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.

24. 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
Kumar Manish

(Sameer Jain,J.)

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