HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33088 of 2026

Lakshman Chauhan

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Debee Shanker Pandey, Mahesh Prasad Yadav, Shivendra Nath Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. At the very outset, Sri Ajay Singh, learned AGA submitted that notice has been served to the opposite party no.2 i.e. informant of the case on 10.9.2026 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 Mahesh Prasad Yadav and Sri Shivendra Nath Singh, 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. 69 of 2026, under Sections 87, 137(2), 65(1) BNS & 4(2) POCSO Act, Police Station Haldharpur, District Mau, during pendency of the trial in the court below.

4. Learned counsel for the applicant submitted that however applicant was named in the FIR and as per prosecution he enticed away the daughter of the informant aged about 13 years and even made physical relationship with her but entire allegations levelled against the applicant are totally false.

5. They further submitted that actually victim is major aged about 18 years and she herself had gone alongwith the applicant and even performed marriage with him and even above facts are evident from her both the statements recorded under sections 180 and 183 BNSS.

6. They further submitted that however as per school record victim was 13 years old but there is only school record of class 8 of the victim and therefore, merely on this basis precisely it cannot be said that victim is 13 years old as her first attended school record is not on record and neither from the record it reflects, what is the basis of her date of birth mentioned in her class 8 record.

7. They further submitted that even lookwise victim appears to be about 18 years of age and applicant is also 18 to 19 years of age therefore, prima facie it appears to be a case of adolescent love.

8. They further submitted that applicant is having no previous criminal history and he is in jail in the present matter since 4.4.2026 i.e. for last six and half months.

9. Per contra, learned AGA opposed the prayer for bail and submitted that as per school record victim is hardly 13 years of age and therefore, her consent is immaterial but he could not dispute the fact that the only school record of class 8th of the victim with regard to her age is on records.

10. Learned AGA further could not dispute the fact that applicant also appears to be 18-19 years old.

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

12. However according to the prosecution victim was hardly 13 years of age but her age is based on her school record of class 8 and considering this fact this Court finds merit in the argument advanced by learned counsel for the applicant that merely on the basis of school record of class 8 it cannot be said that victim was 13 years old.

13. Further in both the statements recorded under sections 180 and 183 BNSS victim categorically stated that she had gone alongwith the applicant and even performed marriage with him.

14. Further, even it reflects, applicant is about 18 to 19 years old.

15. Considering the overall facts and circumstances of the case, prima facie, it appears to be a case of adolescent love.

16. Further, applicant is having no previous criminal history and he is in jail

in the present matter since 4.4.2026 i.e. for last more than six and half months.

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

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

19. Let the applicant-**Lakshman Chauhan,** 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.

20. 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.

21. 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