HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 32979 of 2026

Himanshu

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rajesh Kumar, Udayveer Singh, Veena Dubey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Sri Shatrughan Yadav, 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 K.K. Singh Advocate holding brief of Sri Rajesh Kumar, learned counsel for the applicant and Sri Shatrughan Yadav, learned AGA for the State-respondent.

3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 209 of 2026, under Sections 137(2), 64(1) BNS and section 5L/6 POCSO Act, Police Station Fatehpur, District Saharanpur, during pendency of the trial in the court below.

4. Learned counsel for the applicant submitted that however as per allegation victim was minor and applicant made physical relationship with her but entire allegations levelled against the applicant are totally false.

5. He further submitted that actually victim is major girl aged about more than 18 years.

6. He further submitted that there are two school certificates of the victim on record and from one certificate it reflects, she was more than 18 years of age

and according to another certificate she was just below 18 years.

7. He further submitted that even as per certificate issued by the CMO concerned she was about 18 years and therefore, prima facie, it cannot be said that victim is below 18 years of age.

8. He further submitted that in both the statements recorded under sections 180 and 183 BNSS victim categorically stated that she on her own performed marriage with the applicant.

9. He further submitted that therefore, considering the overall facts and circumstances of the case, it is apparent that applicant did not commit any offence but inspite of that he is in jail.

10. He further submitted that applicant is having no previous criminal history and he is in jail in the present matter since 4.6.2026.

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

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

13. It is a case in which however from the record prima facie it reflects, victim is either about or above 18 years of age and even she in her both the statements recorded under sections 180 and 183 BNSS categorically stated that she on her own performed marriage with the applicant.

14. Further, applicant is having no previous criminal history and he is in jail in the present matter since June, 2026.

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

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

17. Let the applicant-**Himanshu**, 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.

18. 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.

19. 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