HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33098 of 2026

Akash Soni

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Hariom Awasthi, Prateek Srivastava
Counsel for Opposite Party(s)	:	Deepak Kumar, G.A., Pragya Singh

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Prateek Srivastava, learned counsel for the applicant; Sri Deepak Kumar, learned counsel for the informant and Sri Imran Khan, learned AGA for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 317 of 2026, under Sections 137(2), 87, 65(1) BNS and section 3/4(2) POCSO Act, Police Station Chopan, District Sonbhadra, during pendency of the trial in the court below.

3. Learned counsel for the applicant submitted that however as per allegation applicant enticed away the minor daughter of the informant and made physical relationship with her but entire allegations levelled against the applicant are totally false.

4. He further submitted that from both the statements of the victim recorded under sections 180 and 183 BNSS it is apparent that she herself had gone alongwith the applicant and even in her statement recorded under section 183 BNSS she categorically stated that her physical relationship was never developed with the applicant.

5. He further submitted that considering the statement of the victim, prima facie, it reflects that applicant is innocent.

6. He further submitted that applicant is having no previous criminal history and he is in jail in the present matter since 20.8.2026.

7. Per contra, learned AGA as well as learned counsel for the informant

opposed the prayer for bail and submitted that as per school record victim appears to be of hardly 15 years of age but could not dispute the other arguments on facts advanced by learned counsel for the applicant.

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

9. However, from the school record it reflects, victim was about 15 years of age but she in her both the statements recorded under sections 180 and 183 BNSS categorically stated that she herself had gone alongwith the applicant and even in her statement recorded under section 183 BNSS she further disclosed that applicant never made any physical relationship with her.

10. Considering the statements of the victim recorded during investigation, prima facie, applicant appears to be innocent.

11. Further, applicant is having no previous criminal history and he is in jail in the present matter since 20.8.2026 i.e. for last more than two months.

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

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

14. Let the applicant-**Akash Soni,** 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.

15. 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.

16. 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