HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33080 of 2026

Sahab Alias Shahab

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mohd. Shaafi, Shujauddin
Counsel for Opposite Party(s)	:	Akhilesh Kumar Singh, G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Shujauddin, learned counsel for the applicant; Sri V.K. Yadav, Advocate holding brief of Sri Akhilesh Kumar Singh, 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. 251 of 2026, under Sections 69, 351(3), 333 BNS and section 3/4 POCSO Act, Police Station Civil Lines, District Rampur, during pendency of the trial in the court below.

3. Learned counsel for the applicant submitted that however FIR of the present case was lodged by the victim herself and applicant is even named in the FIR and according to the FIR age of the victim was 16 years and 6 months and for last one and half years applicant under the false promise of marriage was sexually exploiting her and even she reiterated the version of the FIR in her both the statements recorded under sections 180 and 183 BNSS but entire allegations levelled against the applicant are totally false.

4. He further submitted that actually victim was major aged about 18 years and applicant and victim both were having affair but subsequently dispute arose between both of them and thereafter victim lodged FIR of the present case.

5. He further submitted that victim is illiterate and her radiological age is 16 years and therefore, possibility cannot be ruled out that she was about or more than 18 years as there may be variation of two years of either side in radiological age of a person.

6. He further submitted that applicant is having no previous criminal history and he is in jail in the present matter since 15.6.2026.

7. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail but could not dispute the 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 as per victim applicant was sexually exploiting her for last one and half years under the false promise of marriage but story narrated by her does not appear to be convincing.

10. Further, as per ossification test victim was about sixteen years of age and considering the fact that there may be variation of two years either side, she might be around 18 years of age and therefore, possibility at this stage cannot be ruled out that victim is major.

11. Further, applicant is having no previous criminal history and he is in jail in the present matter since 15.6.2026.

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-**Sahab Alias Shahab,** 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