HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33552 of 2026

Aman

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ashutosh Mishra, Shailendra Kumar Ojha
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. At the very outset, Sri Ghanshyam Mishra, learned Brief Holder submitted that notice has been served to the opposite party no.2 i.e. informant of the case on 13.9.2026. 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 Shailendra Kumar Ojha, learned counsel for the applicant and Sri Ghanshyam Mishra, learned Brief Holder for the State-respondent.

3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 154 of 2026, under Sections 137(2), 87, 64(1) BNS and section 3/4(1) POCSO Act, Police Station Bilhaure, District Kanpur Nagar, during pendency of the trial in the court below.

4. Learned counsel for the applicant submitted that however according to the prosecution applicant enticed away the minor daughter of the informant and made physical relationship with her but victim is illiterate girl and as per her ossification test report her radiological age was about 17 years, therefore, possibility cannot be ruled out that she was major.

5. He further submitted that even from the statements of the victim recorded under sections 180 and 183 BNSS it reflects she was consenting party and she even performed marriage with the applicant.

6. He further submitted that applicant is having no criminal history and he is in jail in the present matter since 29.6.2026.

7. Per contra, learned AGA 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 according to the prosecution applicant enticed away the daughter of the informant who was minor and even made physical relationship with her but from her both the statements recorded during investigation it reflects, she was consenting party and she even performed marriage with the applicant.

10. Further, victim is not literate girl and from her ossification test report it reflects, she was about 17 years of age and therefore, it cannot be said that she is below 18 years of age as in her radiological age, there may be two years margin in either side.

11. Further, applicant is having no previous criminal history and he is in jail in the present matter since 29.6.2026 i.e. for last four 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-**Aman**, 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 29, 2026
Ankita

(Sameer Jain,J.)

Digitally signed by :-
ANKITA SRIVASTAVA
High Court of Judicature at Allahabad