HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33520 of 2026

Amit Prajapati

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Surendra Mohan Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. At the very outset, Sri Imran Khan, learned AGA submitted that notice has been served to the opposite party no.2 i.e. informant of the case on 19.9.2026. 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 Narendra Singh Advocate holding brief of Sri Surendra Mohan Mishra, learned counsel for the applicant and Sri Imran Khan, learned AGA for the State-respondent.

3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 142 of 2025, under Sections 137(2), 87, 65(1) BNS and section 5/6 POCSO Act, Police Station Kesaraha, District Siddharth Nagar, during pendency of the trial in the court below.

4. Learned counsel for the applicant submitted that however according to the prosecution victim was below 18 years of age and applicant enticed her and committed rape upon her but entire allegations levelled against the applicant are totally false.

5. He further submitted that actually applicant is also around 18 years of age and victim was having affair with the applicant and she herself had gone alongwith him and also performed marriage with him and this fact is evident from her both the statements recorded under sections 180 and 183 BNSS.

6. He further submitted that even as per the school record and certificate issued by CMO concerned victim is 16 years old and therefore, possibility cannot be ruled out that she is about 18 years of age.

7. He further submitted that applicant is having no previous criminal history and he is in jail in the present matter since 31.8.2025 i.e. for last more than a year.

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

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

10. However as per school record and CMO certificate, victim was about 16 years of age but victim in her both the statements recorded under sections 180 and 183 BNSS categorically stated that she was having affair with the applicant and she herself had gone alongwith him and also performed marriage with him.

11. Considering the statements of victim recorded during investigation in considered view of this Court, merely because age of the victim appears to be 16 years the bail application of the applicant should not be dismissed specially considering the fact that prima facie, it appears to be a case of adolescent love as age of the applicant also appears to be 19-20 years.

12. Further, applicant is having no previous criminal history and he is in jail in the present matter since 31.8.2025 i.e. for last more than a year.

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

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

15. Let the applicant-**Amit Prajapati,** 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.

16. 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.

17. 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