HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33546 of 2026

Lalu Urf Sundaram

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Narendra Kumar Yadav, Parmeshwar Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. At the very outset, Sri Ajay Singh, learned AGA submitted that notice has been served to the opposite party no. 2 i.e. informant of the case on 16.9.2026. 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 Parmeshwar Yadav, 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. 170 of 2026, under Sections 137(2), 87, 64(1) BNS and 5L/6 POCSO Act, Police Station Kotwali, District Mainpuri, 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 enticed her and made physical relationship with her but entire allegations levelled against the applicant are totally false.

5. He further submitted that actually victim is major aged about 18 years and applicant and victim both were having affair and victim herself 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 however as per the school record age of the

victim is about sixteen years and three months but as already argued she appears to be aged about 18 years and it reflects, her parents disclosed her wrong date of birth in the school records.

7. He further submitted that applicant is innocent and he is having no previous criminal history and he is in jail in the present matter since 18.6.2026.

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 prosecution victim was about sixteen and half years old and applicant made physical relationship with her but from her both the statements recorded during investigation it reflects, she herself had gone alongwith the applicant and she already performed marriage with him.

11. Considering the statements of the victim recorded during investigation in view of this Court it is not proper to dismiss the instant bail application merely on the basis of her date of birth disclosed in her school records.

12. Further, applicant is having no previous criminal history and he is in jail in the present matter since 18.6.2026 i.e. for last more than four months.

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-**Lalu Urf Sundaram,** 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