



2026:AHC:171822

**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**CRIMINAL MISC. BAIL APPLICATION No. - 26679 of 2026**

Savej

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite  
Party(s)

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| Counsel for Applicant(s)      | : | Pankaj Bharti |
| Counsel for Opposite Party(s) | : | G.A.          |

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**Court No. - 67**

**HON'BLE JITENDRA KUMAR SINHA, J.**

1. Heard Sri Pankaj Bharti, learned counsel for the applicant, Sri Uma Shankar Mishra, learned AGA for the State-respondents and perused the record.
2. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant with a prayer to release him on bail in Case Crime No. 218 of 2026 under Sections 69, 64(1), 61(2)(a), 351(2) BNS and 3/4 POCSO Act registered at Police Station Kandhala, District Shamli during pendency of the trial.
3. At the very outset, learned A.G.A. states that notice has been served upon the first informant.
4. It has been argued by learned counsel for the applicant that applicant has been falsely implicated in the present case and there are material contradictions in the statements of the victim recorded under sections 180 and 183 BNSS. It is further submitted that on perusal of the statement of the victim under section 183 BNSS, it appears that she is a consenting party and her medico-legal report does not support the allegation of commission of rape on her. It is further submitted that no video or photograph as alleged has been recovered during investigation. It is further submitted that age of the victim has been found to be 16 years and 5 months as per certificate of class Vth and she was admitted in the said school in class Vth only and her name was withdrawn from the said school five months later. It is further submitted that victim is aged about 16-17 years as per radiological

examination. It is further submitted that applicant, who has no criminal history, has been languishing in jail since 05.6.2026 and he undertakes that he will not misuse the liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

5. On the other hand, learned A.G.A. opposed the prayer for grant of bail to the applicant and submit that victim is aged 16 years and 5 months as per certificate of class Vth and about 16-17 years as per radiological examination.

6. As per the FIR, applicant is said to have committed rape on her victim and he is also said to have recorded a video of the said incident. No date and time of the incident or age of the victim has been mentioned in the FIR. On perusal of the statement of the victim under section 183 BNSS, it appears that she is a consenting party as she has stated that she knew the applicant for the last three years and liked him and she also wanted to marry him. M edico-legal report of the victim does not support the allegation of commission of rape on her and no video or photograph as alleged has been recovered during investigation. Victim has been found to be aged about 16 years and 5 months as per certificate of class Vth and it is submitted that she took admission in the said school in class Vth only and her name was withdrawn from the said school five months later. Victim is found to be aged about 16-17 years as per radiological examination. Applicant, who has no criminal history, has been languishing in jail since 05.6.2026.

7. Upon considering the totality of facts, nature and the evidence reflected from record and without expressing any opinion on merits of the case, I find it to be a fit case for bail. Hence, the present bail application is **ALLOWED**.

8. Let the applicant **Savej** involved in the aforesaid case crime be released on bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions :-

(i) The applicant shall not directly or indirectly make any 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 to any police officer

or tamper with the evidence.

(ii) The applicant shall not pressurize/intimidate the prosecution witnesses.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of B.N.S.S.

(iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

**9.** In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

**10.** It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

**(Jitendra Kumar Sinha,J.)**

**August 14, 2026**  
Madhurima