



2026:AHC:171694

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27580 of 2026

Sachin

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Chandra Kumar Rai
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Today power on behalf of informant was filed by Sri Vivek Kumar Singh, learned Advocate, which is taken on record.
2. Heard Sri Chandra Kumar Rai, learned counsel for the applicant, Sri Brijesh Kumar Pandey, learned Advocate holding brief of Sri Vivek Kumar Singh, learned counsel for informant and Sri Imran Khan, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 151 of 2026, under Sections 64(1), 137(2), 87 BNS and Section 3/4(1) POCSO Act, Police Station Nizamabad, District Azamgarh during pendency of the trial.
4. Learned counsel for the applicant submits, however, as per allegation, applicant enticed away the grand daughter of the informant who was minor and even made sexual relationship with her but entire allegations leveled against applicant are totally false.
5. He further submits, from the statements of victim recorded under Sections 180 and 183 BNSS it is apparent that victim was consenting party and she herself had gone along with applicant and from the statements of victim it could not be reflected, applicant applied any force.
6. He further submits, victim and applicant both were having affair and this fact is also evident from the statements of victim recorded during investigation.

7. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 19.06.2026.

8. Per contra, learned AGA as well as learned counsel for informant opposed the prayer for bail and submit, as per school record victim was about 17 years of age, therefore, she is below 18 years and therefore, her consent if any is immaterial, therefore, instant bail application may be dismissed.

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

10. However, from the school record of the victim it reflects, she was just above 17 years of age but from the statements of victim recorded under Sections 180 and 183 BNSS it reflects, she herself had gone along with applicant and applicant and victim both were having love affair and even it also reflects she had already performed marriage with applicant. Considering the facts of the case in view of this Court merely on the ground that victim is about 17 years of age and appears to be below 18 years of age, the instant bail application should not be dismissed.

11. Further, applicant is not having any criminal history and in the present matter he is in jail since 19.06.2026.

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 - **Sachin** 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.

August 14, 2026
AK Pandey

(Sameer Jain,J.)