



2026:AHC:172148

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27642 of 2026

Saurav

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Jai Kishan, Vipin Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Shri Shatrughan Yadav, learned AGA apprised the Court that notice has been served to the informant on 30.7.2026. Considering the fact that as notice has already been served upon the informant on 30.7.2026 and despite service of notice none appeared on behalf of the informant, even in the revised case, the instant bail application is being heard.
2. Heard Sri Vipin Kumar, learned counsel for the applicant and Sri Shatrughan Yadav, learned AGA 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), 65(1), 87 BNS and Section 5/6 POCSO Act, Police Station Jaithara, District Etah, during pendency of the trial in the court below.
4. Learned counsel for the applicant submitted that entire allegation of rape made against the applicant is totally false.
5. He further submitted that even from the statements of victim recorded under section 180 and 183 BNSS it is apparent that she herself had gone alongwith the applicant and even had performed marriage with him.
6. He further submitted that however as per school certificate victim was aged about 16 years but from the certificate issued by CMO concerned it reflects, her radiological age was about 18-19 years and therefore, she appears to be major girl.
7. He further submitted that applicant is having no previous criminal history

and he is in jail in the present matter since 19.6.2026.

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 school record it appears, victim was about 16 years of age but as per the certificate issued by CMO concerned her age was 18-19 years.

11. Further, even victim in her statement recorded under sections 180 and 183 BNSS did not make any accusation against the applicant and according to her she herself had gone alongwith the applicant and had already performed marriage with him.

12. In view of this Court, considering the statements of the victim merely on the basis of her age disclosed in her school record by ignoring her radiological age, it is not proper to withhold instant bail application.

13. Further, applicant is having no previous criminal history and in the present matter, he is in jail for last more than three months.

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

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

16. Let the applicant-**Saurav**, 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.

17. 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.

18. 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
Ankita

(Sameer Jain,J.)