



2026:AHC-LKO:41328

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4249 of 2026

Afsar Ali

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Home Civil
Sectt. Lko. And 4 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Ashok Kumar Srivastava, Avinash
Srivastava
Counsel for Opposite Party(s) : G.A.

Court No. - 11

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Shri Avinash Srivastava, the learned counsel for the applicant, Shri Mayank Sinha, the learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.88 of 2026 under Sections 137(2), 87, 352, 351(2), 65(1) of B.N.S., Section 3/4(2) of P.O.C.S.O. Act, Sections 3(1)(द), 3(1)(घ), 3(2)(v), 3(2)(va) of SC/ST Act and 3/5(1), 3(1)/5(3) of U.P. Prohibition of Unlawful Conversion of Religion Act registered at Police Station- Patti, District- Pratapgarh.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 16.03.2026 stating that the applicant had enticed away the informant's daughter aged 15 years on 16.03.2026.
4. In the statement of the victim recorded under Section 180 B.N.S.S., she stated that she is aged 15 years, she is studying in class IX, she came into contact with the applicant through Instagram App and the applicant had promised to marry her in the month of December. The applicant had called her, he took her to Patti, from there he made her sit in a bus going to Prayagraj. The applicant had stated that he would also reach Prayagraj but when the applicant did not meet her at Prayagraj, she returned to Patti.
5. In response to a question put up by the Investigating Officer, the victim declined that the applicant had made physical relations with her.

6. The victim was taken for medico-legal examination and while narrating the incident to the Doctor, she stated that she loves the applicant for the past one year and she had gone to Prayagraj out of her own free will. The victim declined to undergo internal medico-legal examination.

7. In the statement of the victim recorded under Section 183 B.N.S.S., she reiterated her earlier version but she also added that the applicant has made physical relations with her.

8. In the affidavit filed in support of the bail application, it has been stated that the applicant is a young boy aged 19 years having no criminal history and he has been falsely implicated in the present case.

9. Learned A.G.A. has opposed the bail application and he has submitted that the information of the present application has been delivered to the informant through police on 20.05.2026 but nobody has put in appearance on her behalf to oppose the bail application. He has further submitted that the allegations have been established during investigation and a charge-sheet has been submitted on 04.05.2026.

10. Having considered the aforesaid facts and circumstances of the case and keeping in view the consistent statements of the victim that she is in love with the applicant, although in her statement recorded under Section 183 B.N.S.S. she alleged that the applicant made physical relation, this allegation is not supported by the findings of medico-legal examination report as the victim had declined to undergo the same and stated before the Doctor that she loves the applicant; that when the two young persons are in love with each other, it cannot be said that they know the exact age of each other by mere appearance coupled with the fact that the applicant is a young boy aged 19 years having no criminal history and he is languishing in jail since 19.03.2026 whereas the investigation already stands concluded, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid case.

11. Accordingly, this bail application stands allowed.

12. Let the applicant- **Afsar Ali** be released on bail in the aforementioned case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial Court, unless his/her appearance exempted by the trial Court.

June 17, 2026

-Amit K-

(Subhash Vidyarthi,J.)