



2026:AHC:64075

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 5754 of 2026

Sonu

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Anita Singh, Kumari Poonam Rajpoot,
Nirmla Kumari, Prem Babu Verma
Counsel for Opposite Party(s) : G.A.

Court No. - 65

(Sl. No. 56 out of 283)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Ms. Anita Singh, learned counsel for the applicant and Sri Masoom Alam, learned counsel for the informant as well as Sri Sunil Kumar, learned A.G.A. for the State and also perused the material placed on record.
3. Applicant seeks bail in **Case Crime No. 407 of 2025, under Sections 64(2)M, 70(2), 351(3) of BNS and Sections 5(G)/5L/6 of POCSO Act, Police Station - Jalesar, District - Etah**, during the pendency of trial.
4. As per prosecution story, the applicant is stated to have committed rape with the victim by taking her to brick kiln on 08.09.2025 at about 10 PM and the victim suffered injuries on her vital part and when she did not get well, the instant FIR was instituted.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR. The FIR is delayed by about five days and there is no explanation of the said delay caused.
6. Learned counsel has also stated that there is no medical corroboration of the incident as the injury report does not find any injury on any part of

the body of the victim, as such, it is a clear cut case of false implication. It is further stated that the story as narrated in the FIR indicated that the victim might have sustained some injuries. The victim by her looks seems to be major although as per ossification test report, her age has come out to be between 15 to 16 years old at the time of offence, as such, a leverage of two years may be granted to the applicant on upper side in light of law laid down by Supreme Court.

7. Learned counsel has next contended that the applicant is languishing in jail since 14.09.2025, having no criminal history, deserves to be released on bail. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

8. Per contra, learned AGA and learned counsel for the informant have vehemently opposed the bail application on the ground that it is true that the injury report of the victim does not corroborate the incident as her medical examination was undertaken after a delay of about seven days of the incident obviously she got healed up. The victim is minor, as such, the applicant is not entitled for bail.

9. With respect to the age of the victim, a leverage of two years can be granted to the applicant on the upper side in light of the judgement of Supreme Court passed in *Jaya Mala Vs. State of J & K, (1982) 2 SCC 538* and *Mohd. Imran Khan vs. State (Govt. of NCT of Delhi), (2011) 10 SCC 192*, whereby it has been opined that the radiologist cannot predict the correct date of birth rather there is a long margin of 1 to 2 years on either side.

10. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, nature of offence, severity of punishment, the aforesaid judgement(s) of Supreme Court and also considering the delay in lodging the FIR and there being no medical corroboration of the incident, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

11. Let the applicant- **Sonu**, be released on bail on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with

evidence or intimidate witnesses and shall appear before the trial court as required.

12. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

March 26, 2026
Siddhant