



2026:AHC:60948

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 6401 of 2026

Sonu Bharti

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	: Anil Kumar Mishra, Vijay Kumar Shukla
Counsel for Opposite Party(s)	: G.A., Moni Gupta

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. As per the office report dated 23.03.2026, service report is awaited.
2. Learned Brief Holder for the State on the basis of instructions submits that notice of the present application has been served upon the informant- opposite party no. 2 and the Child Welfare Committee, Sonbhadra- opposite party no. 4 on 02.02.2026. The receiving endorsements produced by the learned Brief Holder are taken on record. However, no one appears on behalf of the said opposite parties nor any counter affidavit has been filed on their behalf.
3. Heard learned counsel for the applicant, Sri Anupam Anand, learned Brief Holder for the State-opposite party, and Ms. Moni Gupta, learned counsel for the opposite party no. 3.
4. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 96 of 2025, under Sections 137(2), 64(2)M, 65(1) B.N.S. and 3/4(2), 5L/6 POCSO Act, Police Station Pipri, District Sonbhadra during the pendency of the trial.
5. Learned counsel for the applicant submits that the applicant

has been falsely implicated in the present case. The incident is alleged to have occurred on 20.05.2025. The first information report was lodged on 22.05.2025. The delay is fatal to the prosecution case. The victim is major. As per the ossification test report, the victim was found aged 17 years. It is contended that the range of error in determining the age is about two years and the same should be read in favour of the applicant at this stage. The victim in her statements under Sections 180 and 183 B.N.S.S. has stated that she had left her house voluntarily and along with the applicant she had gone to Chunar and at Chunar she stayed with the applicant and established relations with him. There is no allegation of forceful assault against the applicant. The applicant is in jail since 27.05.2025 and if he is released on bail, he will not misuse the said liberty.

6. Learned Brief Holder for the State and learned counsel for the opposite party no. 3 have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

7. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that as per the ossification test report, the victim was found aged 17 years. The victim in her statements under Sections 180 and 183 B.N.S.S. has stated that she had left her house voluntarily and along with the applicant she had gone to Chunar and at Chunar she stayed with the applicant and established relations with him. There is no allegation of forceful assault against the applicant. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for almost ten months and after submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant- Sonu Bharti, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two

sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

March 24, 2026
SKT/-

(Vivek Varma,J.)