



2026:AHC-LKO:20262

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 13021 of 2025

Sagar

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Avnish Kumar Tiwari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 13

HON'BLE SAURABH LAVANIA, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The present application has been filed on behalf of the applicant seeking bail in Case Crime No. 252 of 2025, under Sections 137(2), 87, 65(1) B.N.S and 5J (ii)/6 POCSO Act, Police Station- Sursa, District-Hardoi.
3. While pressing the instant application, learned counsel for the applicant submitted that the applicant is innocent and he has falsely been implicated in the present case.
4. It is stated that, according to the F.I.R. in Case Crime No. 252 of 2025, under Sections 137(2), 87, 65(1) B.N.S and Section 5J (ii)/6 POCSO Act, the revisionist with the help of co-accused Shishupal and one unknown person, enticed away the minor daughter of the informant. However, the allegations levelled in the F.I.R. are false and baseless.
5. It is further submitted that the applicant has no criminal history and he is in judicial custody since 17.10.2025.
6. It is further stated that the allegation levelled in the F.I.R are false, which can be inferred from the statement(s) of the victim recorded during investigation in terms of Section(s) 180 and 183 B.N.S.S, a reference whereof has been made in the counter affidavit filed by the State.
7. From a bare perusal of the statement(s) of the victim would indicate that the applicant and the victim were in an affair. The applicant and the victim solemnized marriage and thereafter, they lived together as husband and wife. The victim returned to her native place only after coming to know about the lodging of the F.I.R in issue. It is also stated that, at the relevant point of time, the victim was pregnant for about six weeks.

8. It is further submitted that, from her physical appearance, the victim appeared to be a major at the time when she came into contact with the applicant. At at relevant point of time, the applicant was aged about 21–22 years, whereas, as per medical opinion, the age of the victim has been assessed to be between 16–17 years.

9. It is further stated that according to the prosecution the victim was minor at the time of alleged incident, though the same is not correct and the said claim of the prosecution is subject to the evidence adduced before the trial court by the parties concerned and therefore, at this stage of bail, the benefit of various pronouncements related to determination of age may kindly be extended in favour of the bail including the observations made by the Hon'ble Apex Court in the case(s) of **Birad Mal Singhvi Vs. Anand Purohit, reported in (1988) Supp SCC 604, State of Punjab Vs. Gurmit Singh, reported in (1996) 2 SCC 384, Suhani Vs. State of U.P. delivered on 26.04.2018 in Civil Appeal No.4532 of 2018 arising out of SLP(C) No.8001 of 2018 and in the case of Manak Chand alias Mani Vs. State of Haryana reported in 2023 SCC OnLine SC 1397.**

10. It is further stated that the applicant is in judicial custody since 17.10.2025, having no criminal history. It is also submitted that there is no apprehension that after being released on bail, the applicant may flee from the course of law or may otherwise misuse the liberty of bail and the possibility of conclusion of trial in near future is extremely bleak. In these circumstances, the applicant is entitled to be released on bail.

11. Learned A.G.A. opposed the prayer of the applicant, however, he could not dispute the above contentions made by the applicant's counsel.

12. Considering the arguments advanced by the learned counsel for the applicant, learned A.G.A. and going through the contents of the application, F.I.R., as well as other relevant documents and also statement(s) of victim and keeping in mind the period of incarceration as also the chance of conclusion of trial in near future and also the judgments, referred above and without going into the merits of the case, this Court is of the view that the application has substance and it is accordingly, **allowed**.

13. Let the applicant- **Sagar** be released on bail in the aforesaid case crime number on his furnishing personal bond of Rs. 25,000/- and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions :-

- (i) The applicant will cooperate with the prosecution during trial.
- (ii) The applicant will not tamper with the evidence during trial.
- (iii) The applicant will not pressurize/intimidate the prosecution witness(es).
- (iv) The applicant shall not commit an offence.

(v) The applicant shall not directly or indirectly make any 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 to any police officer or tamper with the evidence.

(vi) The applicant shall remain present before the trial court on each date fixed, either personally or through counsel.

(vii) The applicant will not seek any adjournment on the dates fixed for evidence when the witnesses are present in court.

(viii) The applicant shall remain present, in person, before the trial court on the dates fixed for recording of statement under Section 313 Cr.P.C.

14. In case of default of above conditions it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

15. As this order relates to enlargement of the applicant on bail, it is clarified that observations made in this order shall have no bearing on the merits of the case and the trial court shall not be influenced by any observation made in this order.

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(Saurabh Lavania,J.)

March 19, 2026
Preeti