



2026:AHC:63638

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 10243 of 2026

Anshul Son Of Shri Gayatri Prasad

.....Applicant(s)

Versus

State Of U.P. Through Principal Secretary Home
Gov. Of U.P. At Lucknow

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Dwijendra Prasad
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65
(Sl. No. 3 out of 283)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. As informed by learned AGA, notice to the informant has been served on 17.03.2026 but none is present on behalf of the informant.
2. Heard Sri Dwijendra Prasad, learned counsel for the applicant and 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. 555 of 2026, under Sections 137(2), 87, 65(1), 115(2), 352, 127(4) of BNS, Sections 3/4(2) of POCSO Act and Section 3(2)V of SC/ST Act, Police Station - Sirsaganj, District - Firozabad**, during the pendency of trial.
4. 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 more than one day and there is no explanation of the said delay caused.
5. Learned counsel has also stated that the victim seems to be a consenting party as is evident from her statement recorded u/s 183 BNSS as she has gone with the applicant to his house and stayed there but she has also allayed the allegations that the applicant has subjected her to sexual assault and keep her in captivity. The said allegations are per se

false. The victim did not whisper a single word about her captivity and rape in her statement recorded before the doctor.

6. Learned counsel has next contended that the victim by her looks seems to be major although as per ossification test report, her age has come out to be 17 years, 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. The applicant is languishing in jail since 04.11.2025, 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.

7. Per contra, learned AGA has vehemently opposed the bail application but unable to dispute the submissions raised by the learned counsel for the applicant and also the fact that the applicant has no criminal history.

8. 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.

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, nature of offence, severity of punishment and also considering the inconsistency in the statement of the victim recorded u/s 183 BNSS to the statement recorded before the doctor, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

10. Let the applicant- **Anshul Son Of Shri Gayatri Prasad**, 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.

11. 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