



2026:AHC:58931

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. BAIL APPLICATION No. - 13 of 2026**

Ajay Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite  
Party(s)

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Counsel for Applicant(s)

: Rahul Saxena

Counsel for Opposite Party(s)

: G.A., Rajesh Pandey

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**Court No. - 65**

**HON'BLE DR. GAUTAM CHOWDHARY, J.**

**1.** Pursuant to the earlier order of this Court, a sealed envelop has been received, which has been opened today in the Court. The envelop contains an ossification test report. The ossification test of the victim shows that the victim is aged about 19 years and the same is taken on record.

**2.** Heard learned counsel for the applicant, learned A.G.A for the State and perused the record.

**3.** The applicant-**Ajay Kumar** has filed the instant bail application with a prayer to enlarge him on bail in Case Crime No.239 of 2025, under Sections 137(2), 87, 65(1) of B.N.S. and Section 5/6 of POCSO Act, Police Station Neoria, District Pilibhit, during the pendency of the trial.

**4.** It has been argued by learned counsel for the applicant that the age of the victim is about 19 years and. Learned counsel further submits that the applicant is innocent and the victim had gone with the applicant out of her own free will and consent. Learned counsel thus argued that the victim is a consenting party and that the applicant has been falsely implicated in the present case due to ulterior motive. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have

also been placed before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been mentioned. It has also been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required and is also ready to accept all the conditions which the Court may deem fit to impose upon him. He next submits that applicant is languishing in jail since 26.08.2025.

5. *Per contra*, learned A.G.A. has opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre-trial stage, therefore, he does not deserve any indulgence. In case the applicant is released on bail he will again indulge in similar activities and will misuse the liberty of bail.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties, nature of evidence, and all attending facts and circumstances of the case, without expressing any opinion on merits of the case, this Court is of the view that the applicant has made out a case for bail. Hence, the bail application is **allowed**.

7. Let the applicant-**Ajay Kumar** involved in Case Crime No.239 of 2025, under Sections 137(2), 87, 65(1) of B.N.S. and Section 5/6 of POCSO Act, Police Station Neoria, District Pilibhit, be **released on bail** on furnishing a personal bond and two local heavy sureties each of the like amount to the satisfaction of the court concerned subject to the following conditions:-

i) The applicant shall not tamper with the prosecution evidence.

ii) The applicant shall not threaten or harass the prosecution witnesses.

iii) The applicant shall appear on the date fixed by the trial court.

iv) The applicant shall not commit an offence similar to the offence of which the applicant is accused, or suspected of the commission.

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 such person from disclosing facts to the Court or to any police officer or tamper with the evidence.

**8.** In case of breach of any of the above conditions, the trial Court shall be at liberty to cancel the bail of the applicant in accordance with law.

**(Dr. Gautam Chowdhary,J.)**

**March 20, 2026**

Prashant D.