



2026:AHC:64911

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 1686 of 2026

Bibilal

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Awaneesha Kumar, Lakshmi Kant Singh, Narendra Singh
Counsel for Opposite Party(s) : Akshay Kumar Shukla, Deeksha Gupta, G.A., Ravindra Pal Singh Kashyap

Court No. - 65

(Sl. No. 82 out of 372)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Narendra Singh, learned counsel for the applicant and Sri Akshay Kumar Shukla, learned counsel for the informant, Ms. Deeksha Gupta, learned counsel for High Court Legal Services Committee as well as Sri Ram Mohit Yadav, learned A.G.A. for the State and also perused the material placed on record.
3. Applicant seeks bail in **Case Crime No. 316 of 2025, under Sections 137(2), 87, 65(1) of BNS and Sections 3/4(2) of POCSO Act, Police Station - Kadar Chowk, District - Budaun**, 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 about one day and there is no explanation of the said delay caused.
5. Learned counsel has also stated that the victim is the consenting party as is evident from her statement recorded u/s 183 BNSS whereby she has stated that she was fooled by the applicant. 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. It is further stated that the victim has refused her internal medical examination, as such, there is no medical corroboration of the incident.

6. Learned counsel has next contended that the applicant is languishing in jail since 10.11.2025, 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, learned counsel for High Court Legal Services Committee and learned counsel for the informant have 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, the aforesaid judgement(s) of Supreme Court and also considering the delay in lodging the FIR and the statement of the victim recorded u/s 183 BNSS which indicates towards her consent coupled by the fact that 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**.

10. Let the applicant- **Bibilal**, 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 28, 2026
Siddhant