



2026:AHC-LKO:19235

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 1912 of 2026

Irfan

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt. Lko.
And 4 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Amit Kumar Awasthi, Deepak Kumar
Counsel for Opposite Party(s) : G.A.

Court No. - 13

HON'BLE SAURABH LAVANIA, J.

1. Short counter affidavit filed by Sri Anand Kumar Shukla, Advocate on behalf of the complainant in the Court today is taken on record.
2. Heard learned counsel for the parties and perused the record.
3. The present application has been filed on behalf of the applicant seeking bail in Case Crime No. 14/2026, under Sections- 137(2), 87, 64(1) B.N.S. and Section- 3/4 POCSO Act, Police Station- Padua, District- Lakhimpur Kheri.
4. While pressing the present application, the learned counsel for the applicant stated that the applicant having no criminal history is languishing in jail since 01.02.2025.
5. It is further stated that the victim (whose date of birth, as per school records, is 09.04.2008) left the house of the informant (mother of victim) on 05.01.2026 and accompanied the applicant and also solemnized marriage with him and on the date of lodging of FIR, the victim was living with the applicant and family members of the applicant.
6. It is further stated that as the victim was in affair with the applicant and therefore both went to Mumbai and stayed there for 5 days and also solemnized marriage and thereafter they reached at Hapur, where they stayed for 20 days as husband and wife and on coming to know about lodging of the FIR, the victim and applicant reached their native place and all these facts are apparent from the statement(s) of victim recorded in terms of Section(s) 180 and 183 B.N.S.S., copy of which are annexed as Page Nos. 20 and 37 of the paper book, respectively.
7. It is further stated that the FIR in issue, being annoyed, was lodged by

the informant (mother of victim) levelling allegations therein against the applicant and also the family members of the applicant.

8. Based upon the affidavit of complainant filed in the Court today, it is also stated that that informant and other family members have now accepted the relationship of the applicant and victim.

9. It is further stated that the date of birth of victim, on which the prosecution is placing reliance, is subject to evidence by the parties before the trial court and as this stage of bail the benefit of various pronouncements on the issue related to determination of age including the judgment passed 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*** shall be extended in favour of the applicant.

10. It is further stated that considering the statement(s) of victim recorded in terms of Section(s) 180 and 183 B.N.S.S. and also the fact that the family members of the victim have now accepted the relationship of the applicant and victim and also that the victim, as per herself, had solemnized the marriage with the applicant at Mumbai, the applicant is entitled to be enlarged on bail. In case of being enlarged on bail, the applicant will not misuse the liberty of bail and will cooperate in trial and would also not influence the prosecution witnesses.

11. Learned A.G.A. opposed the prayer for bail, however he could not dispute the aforesaid contentions of counsel for the applicant.

12. Upon due consideration of the facts and circumstances of the case, the submissions of counsel for the parties, F.I.R. as also the fact that the applicant has not been previously convicted for any offence and he is in jail since 01.02.2026 and also the chances of conviction of the applicant in the instant case as well as the fact that the family members of the victim have now accepted the relationship of the victim and applicant, this Court finds that the present applicant is liable to be allowed. Accordingly, it is ***allowed***.

13. Let the applicant- ***Irfan*** be released on bail in the aforesaid case crime number on his furnishing personal bond of Rs. 25,000/- and two reliable sureties (one of family member/close relative) 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 observations made in this order.

(Saurabh Lavania,J.)

March 17, 2026

Arun/-