



2026:AHC:56812

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 4236 of 2026

Gaurav

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	: Chandra Bhushan Prasad
Counsel for Opposite Party(s)	: G.A., Krishna Kumar Sharma

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard counsel for the applicant, Sri Krishna Kumar Sharma, counsel for the informant and Sri Neeraj Kumar Sharma, learned A.G.A. for the State. Perused the material available on record.
2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 107 of 2025, under Sections 137(2), 65(1) B.N.S. read with Section 3/4(2) of the Protection of Children from Sexual Offences Act, Police Station- Garhipukhta, District- Shamli, during the pendency of trial.
3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The victim is major. As per the ossification test report, the victim was aged about 16-17 years. The range of error in determining the age is about two years and the same should be read in favour of the applicant at this stage. Placing reliance on the statements of the victim under Section 180 B.N.S.S. and 183 B.N.S.S. it is contended that she left her house voluntarily and had gone with the applicant to Delhi. There is no allegation of any forceful sexual assault against the applicant. At this stage, there is no corroborative evidence to link the applicant with the offence. Criminal history of the applicant has been explained in para no.31 of the bail application. The applicant is in jail since 12.10.2025 and in case he is enlarged on bail, he will not misuse the said liberty.
4. Learned A.G.A. and counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record, this Court *prima facie* finds that as per the statements of the victim under Section 180 B.N.S.S. and 183 B.N.S.S., she left her house voluntarily and had gone with the applicant to Delhi. There is no allegation of any forceful sexual assault against the applicant. At this stage, there is no corroborative evidence to link the applicant with the offence. Moreover, the applicant has remained confined for more than five months and after submission of the charge sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant **Gaurav**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

March 19, 2026

Manish Kr

(Vivek Varma,J.)