



2026:AHC:56780

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 4229 of 2026

Ramesh

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Pradeep Chauhan, Shiva Kant Srivastava
Counsel for Opposite Party(s) : Binod Kumar Yadav, Raj Nath Bhakta

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard counsel for the applicant; Sri Raj Nath Bhakta, counsel for the informant; Ms. Sweta Singh, counsel for the High Court Legal Services Committee 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. 332 of 2025, under Sections 137(2), 87, 64(1) B.N.S. and Section 4(2) POCSO Act, Police Station- Pawai, District- Azamgarh, during the pendency of trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 07.12.2025. The First information report was lodged on 13.12.2025. The delay is fatal to the prosecution case. It is contended that the victim is major. The age of the victim was incorrectly got registered in the school records by the victim's parents to give her advantage in life. There is no lawful basis for the age related entry of the victim in the school records. 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 the victim had gone voluntarily with the applicant, married him and established relations with him. 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. The applicant is in jail since 13.12.2025 having no criminal antecedents and in case he is enlarged on bail, he will not misuse the said liberty.

4. Learned counsel for the opposite parties 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 the first information report has been lodged belatedly. As per the statements of the victim under Section 180 B.N.S.S. and 183 B.N.S.S., the victim had gone voluntarily with the applicant, married the applicant and established relations with him. 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 no criminal antecedents and has remained confined for more than three 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 **Ramesh**, 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.)