



2026:AHC:91175

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 29266 of 2025

Vipin

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Prashant Singh, Saurabh Sachan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65
(Sr. No.141 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Learned A.G.A. has informed that the notice to the informant has been served on 26.08.2025.
2. Heard Sri Saurabh Sachan, learned counsel for the applicant, Sri V.K.S. Parmar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.197 of 2025, under Sections 137(2), 87, 64 BNS and Section 3/4(2) POCSO Act, 2012, Police Station Devgaon, District Azamgarh, during the pendency of trial.
4. Learned counsel for the applicant has argued that the allegations are per se false. The victim is a consenting party as is but evident from her statement recorded under Section 183 B.N.S.S. There is no medical corroboration of the incident. There is no allegation of rape against the applicant in the statement of the victim recorded under Section 183 BNSS. There is no documentary evidence to suggest that the victim was minor. A false document regarding her age has been furnished by the informant. The criminal history assigned to the applicant stands explained. He is in jail since 14.06.2025 and undertakes to cooperate with the trial and not misuse the liberty of bail.
5. Learned A.G.A. has vehemently opposed the bail application but could not dispute the submissions made by the counsel for the applicant.

6. The Supreme Court in ***Prabhakar Tewari vs. State of U.P. And Another, (2020) 11 SCC 648*** has observed that pendency of several criminal cases against an accused itself cannot be a basis for refusal of bail, if otherwise his case for bail is made out.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration that there is no medical corroboration of the incident and that the statement of the victim recorded under Section 183 BNSS indicates her consent, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

8. Let the applicant- **Vipin**, 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.

9. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

April 23, 2026
(Ravi Kant)