2026:AHC:212893

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 45319 of 2025

Rajesh Kumar @ Teeka

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ansar Ahmad
Counsel for Opposite Party(s)	:	G.A., Ruchi Devi

Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Ansar Ahmad, learned counsel for the applicant who has filed second supplementary affidavit today which is taken on record, Ms. Ruchi Devi, learned counsel for opposite party no.4, Sri Shvi Dutt Shukla, learned AGA for the State-respondents and perused the record.

2. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant with a prayer to release him on bail in Case Crime No. 24 of 2025 under Sections 65(1), 61(2) BNS, 5(j)(ii)/6, 5L/6 POCSO Act registered at Police Station Vedpura, District Etawah during pendency of the trial.

3. As per report submitted by C.J.M. Etawah, notice has been served upon the first informant.

4. It is contended by learned counsel for the applicant that applicant has been falsely implicated in the present case and from the conduct of the victim, it appears that she was in relationship with the applicant. It is further submitted that there is no educational record regarding age of the victim and no ossification test has been conducted for determination of her age and her date of birth is mentioned as 16.8.2009 in her Adhar card which is not an admissible document for determination of age in a case under POCSO Act. It is further submitted that in absence of any document regarding the age of the victim, no case under POCSO Act is made out against the applicant. It is next submitted that FIR has been lodged after delay of seven months when the victim became pregnant. It is also submitted that applicant has criminal

history of seven cases which has been duly explained in the supplementary affidavit filed today and he has been languishing in jail since 15.5.2025. It is lastly submitted that in case applicant is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. On the other hand, learned A.G.A. as well as learned counsel appearing for opposite party no.4 opposed the prayer for grant of bail to the applicant and submit that date of birth of the victim is 16.8.2009 as per her school records of class VIIIth and she is a minor girl aged about 16 years 5 months on the alleged date of occurrence.

6. In reply, learned counsel for the applicant submits that there is no certificate of High School or school first attended of the victim and no radiological examination has been conducted for determination of her age.

7. As per the FIR, applicant is said to have committed rape on the victim aged about 15 years, however, age of the victim is 16 years 7 months as per certificate of class VIIIth and FIR has been lodged after delay of seven months. It is submitted that from the conduct of the victim, it appears that she was in relationship with the applicant. There is no certificate of High School or school first attended of the victim and no radiological examination has been conducted for determination of her age and she has been found pregnant of seven months.

8. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of ***Kapil Wadhawan vs Central Bureau of Investigation*** reported in ***2025 SCC OnLine SC 3038*** as well as guideline of this Court in the case of ***Maya Tiwari Vs. State of U.P.*** reported in ***2024 SCC Online All 6765*** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

9. Let the applicant **Rajesh Kumar @ Teeka** involved in the aforementioned crime 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, with the following conditions:-

(i) 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.

(ii) The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

(iv) The applicant shall attend in accordance with the conditions of the bond executed by him.

10. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

11. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

12. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

13. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal within 24 hours in compliance of the order of the Apex Court in the case of ***Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021*** decided on 31.01.2023 reported in ***(2024) 10 SCC 685.***

(Jitendra Kumar Sinha,J.)

October 9, 2026
Madhurima

Digitally signed by :-
MADHURIMA GARG
High Court of Judicature at Allahabad