



2026:AHC:165839

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 26524 of 2026

Nitin @ Khanna

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Anil Kumar Shukla, Shipra Nadiwal
Counsel for Opposite Party(s) : Atmaram Nadiwal, G.A.

Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Anil Kumar Shukla, learned counsel for the applicant, Sri Pankaj Kumar Singh, learned counsel for the first informant, Sri Ashish Kumar Tripathi, 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. 285 of 2026 under Sections 137(2), 70(2) BNS and 5G/6 of POCSO Act registered at Police Station Sadar Bazar, District Saharanpur during pendency of the trial.
3. It is contended by learned counsel for the applicant that applicant has been falsely implicated in the present case and he is not named in the FIR. It is further submitted that as per the FIR, allegation of commission of rape on the victim is against co-accused Bhanu and there are material contradictions in the statements of the victim recorded under sections 180 and 183 BNSS with regard to role of the applicant. It is further submitted that age of the victim has been found to be 15 years as per radiological report and around 13 years as per certificate of class VIIth, however, there is no certificate of High School or school first attended. It is further submitted that medico-legal report of the victim does not support the allegation of rape on her. It is further submitted that applicant has no criminal history and he has been languishing in jail since 01.6.2026. It is also submitted that the applicant undertakes that he will not misuse the liberty, if granted. It has also been

pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

4. On the other hand, learned A.G.A. as well as learned counsel for the first informant opposed the prayer for grant of bail to the applicant and submit that victim is minor and her medico-legal report supports the allegation of commission of rape on her.

5. Applicant is not named in the FIR and as per the FIR, co-accused Bhanu is said to have committed rape on the victim aged about 13 years. The victim in her statement under section 180 BNSS has stated that she was enticed away by the applicant and co-accused Bhanu and they took her to a sugarcane field and committed rape on her and applicant stood on the road whereas in her statement under section 183 BNSS, she has stated that she was taken away by the applicant and co-accused Bhanu on a motorcycle to a sugarcane field and the applicant tied her mouth, arms and legs and co-accused Bhanu committed rape on her. Thus, there are material contradictions in both the statements of the victim with regard to role of the applicant. Applicant has no criminal history and he has been languishing in jail since 01.6.2026.

6. Upon considering the totality of facts, nature and the evidence reflected from record and without expressing any opinion on merits of the case, I find it to be a fit case for bail. Hence, the present bail application is **ALLOWED**.

7. Let the applicant **Nitin @ Khanna** involved in the aforesaid case crime be released on bail on his furnishing a personal bond of Rs. 50,000/- with 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 not pressurize/intimidate the prosecution witnesses.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii)

recording of statement under Section 351 of B.N.S.S.

(iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

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

9. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(Jitendra Kumar Sinha,J.)

August 7, 2026
Madhurima