



2026:AHC:162328

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 26907 of 2026

Rahees Ahamad @ Fauji

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Manish Kumar Kashyap, Virendra Pal Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri V.P. Singh, learned counsel for the applicant and Dr. S.B. Maurya, learned AGA-I for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 153 of 2025, under Sections 61(2), 64(1), 103(1), 238, 123, 315 BNS, Police Station Sunngarhi, District Kasganj during pendency of the trial.

3. Learned counsel for the applicant submits, FIR of the present case was lodged by the mother of the deceased for offence punishable under Sections 80, 85 BNS and Section 3/4 D.P. Act and according to the FIR dowry death of the deceased was committed by her husband, her in-laws and other accused for want of dowry but during investigation mother of the deceased i.e. informant was made accused and when her statement was recorded then she stated before the Investigating Officer that she wanted that deceased should take divorce from her husband but when she did not ready for the same then she hatched criminal conspiracy along with applicant, who is father-in-law of the sister of the deceased and thereafter applicant had taken the deceased and committed her murder and after the statement of the mother of the deceased i.e. co-accused Yasmeen applicant has been made accused in the present matter.

4. He further submits, apart from the statement of co-accused and confessional statement of applicant before police as per prosecution from the house of applicant some jewellery of the deceased was also recovered but entire recovery is false and planted one.

5. He further submits, even in absence of any corroborative evidence merely on the basis of above recovery prima facie at this stage it cannot be said that applicant firstly committed rape upon deceased and thereafter committed her murder. He further submits, story of the prosecution appears to be highly improbable.

6. He further submits, applicant is not having any criminal history and in the present

matter he is in jail since 05.01.2026.

7. Per contra, learned AGA opposed the prayer for bail and submit, it is a planned murder and applicant before committing murder even committed rape upon the deceased and even FSL report suggests that on the clothes of the deceased human sperm was found but he could not dispute the fact that there is no evidence that alleged sperm was of applicant.

8. Learned AGA also could not dispute the fact that except recovery of alleged jewellery from the house of applicant, suspicion and statement of applicant before police there is no other evidence against the applicant on record.

9. I have heard learned counsel for the parties and perused the record of the case.

10. It is a strange case in which firstly mother of the deceased lodged FIR against in-laws of the deceased and her husband with regard to dowry death but during investigation she herself has been made accused on the ground that she hatched conspiracy along with applicant, who is her Samdhi to commit murder of the deceased.

11. Further, however, as per prosecution, applicant after taking the deceased firstly committed rape upon her and thereafter committed her murder and according to the prosecution even from the room of the applicant where he resided some jewellery of the deceased was recovered and even it also reflects, as per FSL report on the lower of the deceased human sperm was also found but it reflects, applicant has been made accused in the present matter on the basis of statement of co-accused Yashmeen, the informant of the case (mother of the deceased) and story narrated by her prima facie appears to hypothetical one and no reliance can be placed on such version.

12. Further, even there is no evidence on record which can suggests that alleged sperm which was found on the lower of the deceased was of applicant. In considered view of this Court without any corroborative evidence merely on the basis of recovery of alleged jewellery of the deceased from the house of applicant prima facie at this stage it cannot be said that applicant committed the murder of the deceased specially considering the fact that story of the prosecution does not inspire any confidence.

13. Further, applicant is not having any criminal history and in the present matter he is in jail since 05.01.2026.

14. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

15. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

16. Let the applicant - **Rahees Ahamad @ Fauji** be released on bail in the aforesaid

case on 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 appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

17. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

18. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

August 4, 2026
AK Pandey

(Sameer Jain,J.)