



2026:AHC:171839

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 27500 of 2026

Kaushal

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Ashish Kumar Dubey, Rakesh Kumar Pandey

Counsel for Opposite Party(s) : G.A.

Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Rakesh Kumar Pandey, learned counsel for the applicant, Sri B.P. Maurya, 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. 67 of 2026 under Sections 64(1), 331(4), 75(1), 351(3) BNS, registered at Police Station Poorakalan, District Lalitpur 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 FIR has been lodged after delay of 17 days as the alleged incident is said to have taken place on 12.4.2026 whereas, FIR has been lodged on 29.4.2026. It is further submitted that victim is a major and married lady and her medico-legal report does not support the allegation of commission of rape on her. It is further submitted that on perusal of the statement of the witness Manvendra, it appears that the alleged video has been recorded by the victim herself and she attempted to blackmail the applicant. However, no video as alleged has been recovered during investigation and the same is said to have been deleted from the mobile of the applicant. It is further submitted that from the circumstances of the case, it appears that the victim is a consenting party. It is further submitted that applicant, who has no criminal history, has been languishing in jail since 08.5.2026 and he

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. has opposed the prayer for grant of bail to the applicant and submits that a video has been recovered by the Investigating Officer from the mobile of the applicant and the same has been sent for forensic examination.

5. The alleged incident is said to have taken place on 12.4.2026, whereas, FIR has been lodged on 29.4.2026, as per which, applicant is said to have been entered into the house of the victim in the absence of her husband and committed rape on her and he is also said to have recorded a video of the said incident. Victim is a major and married lady and her medico-legal report does not support the allegation of commission of rape on her. On perusal of the statement of the witness Manvendra, it appears that the alleged video has been recorded by the victim herself and she attempted to blackmail the applicant. However, no video as alleged has been recovered during investigation whereas learned AGA submits that some video has been recovered from the mobile phone of the applicant and the same has been sent for forensic examination. Applicant, who has no criminal history, has been languishing in jail since 08.5.2026.

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 **Kaushal** 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 14, 2026

Madhurima