



2026:AHC:171574

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27590 of 2026

Surajdeen Pal @ Rajju

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Raj Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Sri P.K. Singh, learned Advocate filed his power on behalf of informant, today in the Court, which is taken on record.
2. Heard Sri Ramesh Kumar Mishra, learned Advocate holding brief of Sri Raj Kumar Singh, learned counsel for the applicant, Sri P.K. Singh, learned counsel for informant and Dr. S.B. Maurya, learned AGA-I for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 109 of 2026, under Sections 70(2), 351(3), 352 BNS, Section 5(g)/6 POCSO Act and Section 3(2)5 SC/ST Act, Police Station Mau, District Chitrakoot during pendency of the trial.
4. Learned counsel for the applicant submits, however, as per allegation, applicant along with co-accused Nandu committed rape upon victim who was below 18 years of age and, therefore, as per prosecution, it is a case of gang rape but entire allegations leveled against applicant are totally false.
5. He further submits, from the statements of victim recorded under Sections 180 and 183 BNSS it is apparent that according to her rape was committed on 14.01.2026 and first time this fact was disclosed by her to her father on 08.02.2026 and thereafter FIR of the present case was lodged on 13.04.2026 through an application under Section 173(4) BNSS which was moved on 23.02.2026 and therefore prima facie FIR of the present case is highly delayed and this fact clearly suggests that allegation of rape is totally false.
6. He further submits, actually informant had taken Rs. 1,20,000/- from the applicant and co-accused Nandu and when they demanded back their money

then instead of returning the money he lodged FIR of the present case and the fact that informant had taken Rs. 1,20,000/- from applicant and co-accused Nandu is even evident from the FIR itself.

7. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 06.06.2026.

8. Per contra, learned AGA as well as learned counsel for informant opposed the prayer for bail and submit, it is a case of gang rape and as per allegation on 14.01.2026 applicant and co-accused Nandu committed rape upon the victim who was below 18 years of age but they could not dispute the fact that victim immediately thereafter did not make any complaint and first time on 08.02.2026 i.e. after three weeks she disclosed this fact to the informant.

9. They further could not dispute the fact that informant also immediately did not lodge FIR and FIR of the present case was lodged on 13.04.2026 through an application under Section 173(4) BNSS and even application under Section 173(4) BNSS was moved on 23.02.2026.

10. They also could not dispute the fact that from the FIR it reflects, informant of the case had taken Rs. 1,20,000/- from the applicant and co-accused Nandu and in this regard dispute between both side was pending.

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

12. However, it is a case of gang rape and as per allegation on 14.01.2026 applicant along with co-accused Nandu committed rape upon victim who, as per school record, was about 16 years of age but it reflects, with regard to incident of rape dated 14.01.2026 victim first time informed her father on 08.02.2026 i.e. after three weeks.

13. Further, record also suggests that FIR of the present case was lodged on 13.04.2026 through an application under Section 173(4) BNSS and even application under Section 173(4) BNSS was moved on 23.02.2026 therefore FIR of the present case prima facie appears to be highly delayed one.

14. Further, as per applicant informant i.e. father of the victim had taken Rs. 1,20,000/- from applicant and co-accused Nandu and when they demanded back their money then instead of returning the money he lodged FIR of the present case. The contention of learned counsel for applicant with regard to

Rs. 1,20,000/- is also evident from the FIR itself and therefore it reflects, with regard to money of Rs. 1,20,000/- dispute was pending between applicant and informant i.e. father of the victim. Considering this fact, the argument advanced by learned counsel for applicant that only due to above dispute after several months on the basis of false allegation of gang rape applicant along with co-accused Nandu has been roped in the present matter cannot be ruled out at this stage.

15. Further, applicant is not having any criminal history and in the present matter he is in jail since 06.06.2026.

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

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

18. Let the applicant - **Surajdeen Pal @ Rajju** 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.

19. 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.

20. 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 14, 2026
AK Pandey

(Sameer Jain,J.)