



2026:AHC:172195

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27620 of 2026

Nilesh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Jaysingh Yadav
Counsel for Opposite Party(s)	: Dharendra Kumar Verma, G.A., Mona Gautam

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Jaysingh Yadav, learned counsel for the applicant and Sri Imran Khan, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 136 of 2026, under Sections 87, 64(1), 351(3) BNS, Police Station Banpur, District Lalitpur, during pendency of the trial in the court below.
3. Learned counsel for the applicant submitted that however as per allegation applicant enticed away the daughter of the informant and thereafter committed rape upon her but entire allegation levelled against the applicant are totally false.
4. He further submitted that admittedly victim is major girl and from her statement recorded under section 180 BNSS it is apparent that she herself had gone alongwith the applicant and even had performed marriage with him. He next submits, however when her statement under section 183 BNSS was recorded she changed her earlier version and stated that under the threat of applicant she had to go alongwith him and thereafter applicant committed rape upon her.
5. He further submitted that in the light of earlier statement of the victim recorded under section 180 BNSS her statement under section 183 BNSS prima facie appears to be false.
6. He further submitted that actually victim and applicant both were having

affair and with her consent she had gone alongwith the applicant but subsequently her father lodged FIR of the present case and in her statement under section 183 BNSS under his pressure he started making allegation against the applicant.

7. He further submitted that applicant is having no previous criminal history and he is in jail in the present matter since 17.6.2026.

8. Per contra, learned AGA opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicant.

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

10. However, victim in her statement under section 183 BNSS stated that under the threat of the applicant she had gone alongwith him and applicant committed rape upon her but her statement recorded under section 183 BNSS is contrary to her earlier statement recorded under section 180 BNSS in which she categorically stated that she herself had gone alongwith the applicant and she had already performed marriage with him.

11. Further, admittedly victim is major girl aged about 19 years.

12. Further, applicant is having no previous criminal history and he is in jail in the present matter since 17.6.2026.

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

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

15. Let the applicant-**Nilesh**, 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.

16. 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.

17. 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
Ankita

(Sameer Jain,J.)