



2026:AHC-LKO:42238

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4671 of 2026

Shivam Tiwari @ Saurabh Tiwari

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt.
Govt. Lko.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ram Saran Awasthi, Abhishek
Awasthi

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

Court No. - 16

HON'BLE SHREE PRAKASH SINGH, J.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail during the trial in Case Crime No. 0145 of 2026, under sections 87 and 69 of B.N.S., Police Station-Haidergarh District - Barabanki.

Contention of learned counsel for the applicant is that the applicant is innocent and has been falsely implicated in the instant matter due to ulterior motive. He submits that there might be some consensual relationship in between the prosecutrix and the applicant, but no rape has been committed on false promise of marriage. He submits that the statement of the alleged victim under section 183 of BNSS demolishes the story of prosecution and the matter would not lead to the punishment. He next submits that there is no previous criminal antecedent of the applicant and he is languishing in jail since 12.05.2026. He submits that the applicant undertakes that in case, he is granted bail, he will not misuse the liberty of the same and would cooperate in the trial proceedings.

Per contra, learned AGA appearing for the State has opposed the contentions aforesaid and submits that the applicant is not entitled for any relief.

Having heard learned counsels for the parties and after perusal of material placed on record, it transpires that the statement of the alleged victim under section 183 of BNSS demolishes the story of prosecution; the applicant is languishing in jail since 12.05.2026 and there is no previous criminal antecedent of the applicant as has been explained in paragraph 21 of the bail application. The applicant has undertaken that if he is granted bail, he will not misuse the liberty of the same and would cooperate in the trial proceedings.

Considering the submissions of learned counsel of both sides, nature of accusation and severity of punishment in case of conviction, nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment and considering larger mandate of the Article 21 of the Constitution of India and, without expressing any view on the merits of the case, I find it to be a fit case of bail.

Let the applicant-**Shivam Tiwari @ Saurabh Tiwari** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

- (1) The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, or otherwise during the investigation or trial;
- (2) 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 court. He shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code;
- (3) 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 313 Cr.P.C.; and
- (4) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C.

is issued and the applicant fails to appear before the court on the date fixed in such proclamation, the trial court shall initiate proceedings against him, in accordance with law under Section 174-A of the Indian Penal Code.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the merits of the case.

June 29, 2026

Mayank

(Shree Prakash Singh,J.)