



2026:AHC-LKO:42081

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**CRIMINAL MISC. BAIL APPLICATION No. - 4535 of 2026**

Vipin Kumar Rawat

.....Applicant(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Deptt. Home  
Lko.

.....Opposite  
Party(s)

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|-------------------------------|---|-------------------------------|
| Counsel for Applicant(s)      | : | Anil Kumar Yadav, Manoj Kumar |
| Counsel for Opposite Party(s) | : | G.A.                          |

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**Court No. - 12**

**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. 117 of 2026, under sections 69 of BNS, 2023 Police Station- Zaidpur, 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 submitted that the allegation against the applicant is that he has committed rape upon the alleged victim on false promise of marriage, whereas, the fact remains that there was consensual relationship between the parties since last one year as is an admitted fact in the statement under section 183 of BNSS. He next submitted that there is material contradiction in the statement under sections 180 and 183 of BNSS. He also added that the story has subsequently been developed by the alleged victim in the statement under section 183 of BNSS, though, the statement, under section 180 of BNSS as well as in the narration in the first information report are altogether different. He argued that the victim was in physical relationship with the applicant and she was very well aware of consequences of her act. He added that at the later stage, being annoyed, the first information report has been lodged. He next submits that there is no previous criminal antecedent of the applicant and he is languishing in jail since 07.05.2026. 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 ingredients of section 69 of BNS prima facie do not attract in the present matter. The physical relationship is admitted in between the parties since last one year and there is no any sign of threat or coercion. This Court further finds that the applicant is languishing in jail since 07.05.2026 and there is no previous criminal antecedent of the applicant. 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- **Vipin Kumar Rawat**, 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 25, 2026**

Mayank

**(Shree Prakash Singh,J.)**