



2026:AHC-LKO:41349

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4266 of 2026

Mo. Rizwan

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And
4 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Diwakar Singh, Ashok Tiwari, Manoj
Kumar Singh, Urvashi Vishwakarma
Counsel for Opposite Party(s): G.A.

Court No. - 11

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri Manoj Kumar Singh, learned counsel for the applicant, Sri Anant Pratap Singh, learned Additional Government Advocate for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.219 of 2025, under Sections 137(2), 87, 64(2)M, 65(1), 127(4), 336(2), 338, 340(2) B.N.S. Section 5L/6 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Intaunja, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 21.11.2025 stating that the applicant had enticed away the informant's daughter aged about 14 years.
4. In the statement of the victim recorded under Section 180 BNSS she stated that she had gone with the applicant out of her own freewill. She and the applicant stayed in a separate room and no misdeed was committed against her.
5. During medico legal examination the victim told the doctor that no sexual assault was made against her and no penetration took place. The doctor opined that the sexual assault was unlikely.
6. As per medical opinion age of the victim was about 16 years.
7. In the statement of the victim recorded under Section 183 BNSS she stated that when she had gone to attend the call of nature at 3.00

am. on 21.11.2025 the applicant Rizwan and three other persons forcibly took her away in a car. The applicant kept her in a room for 20-25 days and forcibly made physical relations. She stated that the applicant is a married man having children.

8. The doctor who had conducted the medico legal examination stated that she had not found any sign of use of force on the victim's body.

9. The Investigating Officer recorded statements of some independent witnesses who stated that the other persons have been implicated falsely. The Investigating Officer has submitted a charge sheet against the applicant only on 15.02.2026.

10. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.

11. The learned Additional Government Advocate appearing on behalf of the State has opposed the prayer for bail and he has submitted that the allegations against the applicant has been established during investigation and a charge sheet has been submitted on 15.02.2026.

12. Having considered the aforesaid facts and circumstances of the case and keeping in view the statement of the victim recorded by the Investigating Officer and the doctor wherein she categorically stated that no sexual assault had been committed against her; that although the victim has alleged use of force by the applicant in her statement recorded under Section 183 BNSS but she had implicated three other persons also in that statement which statement has been found to be false and therefore prima facie it appears that the statement of the victim recorded under Section 183 BNSS does not appear to be trustworthy coupled with the fact that the applicant has no previous criminal history and he is languishing in jail since 27.01.2026 and the investigation already stands concluded and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

13. Accordingly, this bail application stands **allowed**.

14. Let the **applicant-Mo.Rizwan** 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 magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court, unless his appearance is exempted by the learned trial court.

June 17, 2026
Ram.

(Subhash Vidyarthi,J.)