



2026:AHC:168427

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 7285 of 2026

Lukman

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Ramesh Kumar Pandey

Counsel for Opposite Party(s) : G.A., Mohd Shamim Khan, Pratibha
Vohra

Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Ramesh Kumar Pandey, learned counsel for the applicant and Sri B.P. Maurya, learned A.G.A. for the State and Mohd. Tahir, holding brief of Mohd. Shamim Khan, learned counsel for the first informant and Miss Pratibha Bhora, learned counsel for High Court Legal Services Committee. Supplementary affidavit filed today is taken on record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 624 of 2025, under Sections 65(1), 351(3) BNS and Section 3/4(2) of POCSO Act, Police Station Murad Nagar, District Ghaziabad, during the pendency of the trial.

3. It is contended by the learned counsel for the applicant that the applicant has been falsely implicated in the present case and the FIR has been lodged promptly and medico-legal examination of the victim has been conducted promptly, however, her medico-legal report does not support the commission of rape on her whereas the applicant has also been medico-legally examined and he has also received multiple injuries on his person for which no explanation has been given by the prosecution regarding injuries of the applicant. It is further submitted that there are material contradictions in the statement of the victim recorded under Sections 180 and 183 BNSS. It is further submitted that the age of the victim has been found to be 13 years and 08 months as per her certificate of Class 5th, however, there is no High School certificate or the certificate

of school first attended and no radio-logical examination of the victim has been conducted for her age determination. It is also submitted that the applicant has been languishing in jail since 8.12.2025 and he is having criminal history of one case which has been duly explained in the supplementary affidavit filed today. It is lastly submitted that in case the applicant is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned counsel for the first informant has vehemently opposed the prayer for bail and it is submitted that the victim in her statement recorded under Sections 180 and 183 BNSS has stated that she is aged about 14 years and the applicant committed rape on her.

5. Learned A.G.A. as well as learned counsel for High Court Legal Services Committee have also opposed the prayer for bail but could not dispute the aforesaid facts.

6. As per the allegation in the FIR, the applicant is said to have committed rape on the victim aged about 14 years. There appears to be material contradictions in the statement of the victim recorded under Sections 180 and 183 BNSS. The age of the victim has been found to be 13 years and 08 months as per her certificate of Class 5th, however, there is no High School certificate or the certificate of school first attended and no radio-logical examination of the victim has been conducted for her age determination. It is submitted that the applicant has also received multiple injuries on his person for which no explanation has been given by the prosecution regarding his injuries. The applicant has been languishing in jail since 8.12.2025 and he is having criminal history of one case which has been duly explained in the supplementary affidavit filed today.

7. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of ***Kapil Wadhawan vs Central Bureau of Investigation*** reported in 2025 SCC OnLine SC 3038 as well as guideline of this Court

in the case of ***Maya Tiwari Vs. State of U.P.*** reported in 2024 SCC Online All 6765 regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Accordingly, the present application is **ALLOWED**.

9. Let the applicant- **Lukman** 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:-

(i) The applicant shall not directly or indirectly make any 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 to any police officer or tamper with the evidence.

(ii) The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

(iv) The applicant shall attend in accordance with the conditions of the bond executed by him.

10. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

11. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

12. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

13. Office is directed to send a copy of this order to the applicant through

concerned Jail Superintendent via e-mail or e-prison portal within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in (2024) 10 SCC 685.

(Jitendra Kumar Sinha,J.)

August 11, 2026

Abhishek