



2026:AHC:65795

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 10652 of 2026

Rajkumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Upendra Upadhyay
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE HARVIR SINGH, J.

1. Heard learned counsel for the accused-applicant, learned A.G.A. for the State and perused the material available on record.

2. This bail application has been moved on behalf of the accused-applicant/ **Rajkumar** for grant of bail, in Case Crime No.43 of 2025, Under Sections 87, 61(2), 351(3) and 352 of B.N.S., Police Station Sakrauli, District Etah, during pendency of trial.

3. Learned counsel for accused-applicant, while pressing the bail application, submits that, the accused-applicant has been falsely implicated in the instant case and has not committed any offence, as alleged by the prosecution. It is alleged in the first information report of this case that, the son of the applicant, namely, Shivam and one Hema have enticed away the daughter of the informant on 10.10.2024. It is also alleged that, the applicant and one Rajesh were also involved in this conspiracy and Shivam (son of the applicant) has committed rape many times with the daughter of the informant. It is also alleged that, at the behest of Hema, the marriage was tried to be arranged between the victim and Shivam. However, despite their best efforts, the said marriage could not be solemnized and all attempts made by accused-applicant and other aforesaid persons went in vain. It is further submitted that, victim has come back and has reunited with the family. Similarly situated co-accused Rajesh has been granted bail by a coordinate Bench of this Court vide order dated 5.2.2026 passed in Criminal Misc. Bail Application No.27954 of 2025. Learned counsel for the applicant further submits that, the accused-applicant is languishing in jail in this matter since

14.7.2025, without having any criminal antecedents and there is no likelihood that the accused-applicant, after release on bail, may flee from the process of law or will misuse the liberty of bail.

4. Learned A.G.A. opposes the prayer for bail of the applicant on the ground that, applicant is involved in the kidnapping of the victim and son of the applicant, namely, Shivam has raped the victim, as she stated in her statement recorded under Section 183 of Bhartiya Nagrik Suraksha Sanhita, 2023, therefore, the applicant is not entitled to be released on bail, but could not dispute the fact that, similarly situated co-accused Rajesh has already been granted bail.

5. Having considered the rival contentions of the parties and the facts that, the main allegation regarding committing rape with the victim is assigned to the co-accused Shivam, son of the applicant herein; the applicant is not named in the first information report and similarly situated co-accused Rajesh has already been granted bail; the accused-applicant is languishing in jail in this matter, since 14.7.2025, without having any criminal antecedents and keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties and without expressing any opinion on the merits of the case, I am of the considered view that applicant has made out a case for bail. The bail application is **allowed**.

6. Let the accused-applicant/ **Rajkumar**, involved in aforesaid case, be released on bail on furnishing a personal bond with two sureties in the like amount to the satisfaction of the court concerned subject to following conditions:-

- (i) The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.
- (ii) The applicant shall cooperate in the trial 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.

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

8. Identity, status and residence proof of the applicant and sureties be verified by the Court concerned before the bonds are accepted.

March 30, 2026
Gurpreet Singh

(Harvir Singh,J.)