



2026:AHC:17105

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 25 of 2026

Aabid

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Rajiv Kumar Mishra, Sandeep Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant as well as Shri Bhagwati Prasad, learned A.G.A. for the State and perused the material brought on record.

2. By means of the instant bail application, the applicant-Aabid, seeks bail in Case Crime No. 233 of 2025, under Sections 61(2), 64(1) of B.N.S., Police Station Bahadurgarh, District Hapur.

3. Learned counsel for the applicant submits that applicant is named in the F.I.R. along with one other accused. There is allegation against the applicant that on the date of occurrence the applicant committed her rape forcibly. The victim is 40 years old married woman. Though in her statements recorded under Sections 180 & 183 BNSS the victim had supported the allegations made in the F.I.R. but in her medical examination conducted no external or internal injuries were found on the person of the victim though she was medically examined after four days of the alleged incident. Thus, medical evidence does not support the allegation of rape. No offence is made out against the applicant and the applicant has been implicated in the case with false and frivolous allegations due to ulterior motive and malafide intention. He next submits that applicant is in jail since 26.09.2025, having no criminal history.

4. Per contra, learned A.G.A. has opposed the prayer for bail of applicant by contending that the victim had made specific allegation of rape against the applicant in her statements recorded under Sections 180 & 183 BNSS. Thus, there is active participation of applicant in the commission of offence. The innocence of applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence.

5. Perusal of statement of the victim recorded under Section 202 Cr.P.C. shows that victim has repeated the same version of the F.I.R. as well as her statement recorded under Section 161 Cr.P.C., thus, victim has made

specific allegation of rape against the applicant and other accused persons, therefore, there is active participation of applicant in committing rape upon the victim.

8. Keeping in view submissions of learned counsel for the parties, gravity of offence, nature of allegations and all the attending facts and circumstances of the case and considering that both the statements of the victim recorded under Sections 180 & 183 BNSS are in consonance with the version of the F.I.R. wherein there is specific allegation of rape against the applicant, without expressing any opinion on the merits of the case, no case for bail is made out.

6. Accordingly, the bail application of applicant-Aabid, is rejected.

(Dr. Gautam Chowdhary,J.)

January 22, 2026

Mustaqeem.