



2026:AHC:6059

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 239 of 2026

Mohammed Aziz Alias Aziz Mohammed

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Rajendra Kumar Srivastava, Siddharth
Srivastava

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 learned A.G.A. for the State and perused the material brought on record.

2. Learned counsel for the applicant submits that in the F.I.R. it has been stated that when previous day the applicant was enticing away the informant's daughter aged about 17 years, then the informant and his family members along with some people got escaped the victim, on account of which today, i.e., on the date of lodging of the F.I.R. the applicant committed marpeet with her and her family members and also extended threats. Thus, in the F.I.R. there is no allegation of rape. The victim in her statement recorded under Section 180 BNSS has also not made any allegation of rape against the applicant, whereas, in her statement recorded under Section 183 BNSS the victim has made allegation of rape against the applicant. In her medical examination no internal injury was found on her private parts though she was medically examined on 10.09.2025, i.e., after three days of the incident and in her medical examination no fresh internal injury was found on her person though one external injury in the shape of abrasion on her hand was found. Thus, medical evidence does not corroborate with the allegation of forcible rape committed upon her. There are material contradictions in the statements of the victim recorded under Sections 180 & 183 BNSS. Thus, it has been argued that it is a false case of implication and the applicant has been implicated in the case with false and frivolous allegations due to ulterior motive and malafide intention. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have also been placed before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been mentioned. It has also been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required and is also ready to accept all the conditions which the Court may deem fit to impose

upon him. He next submits that the applicant is in jail since 08.09.2025, with no criminal history.

3. Per contra, learned A.G.A. has opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence.

4. Considering the overall facts and circumstances, the nature of allegations, the gravity of offence and without expressing any opinion on merits, this Court finds it to be a fit case for bail. Accordingly, the bail application stands allowed.

5. Let the applicant-Mohammed Aziz Alias Aziz Mohammed, be enlarged on bail in Case Crime No. 145 of 2025, under Section 87, 333, 64, 115(2), 352, 351(2) of B.N.S., Police Station- Araon, District- Firozabad, on executing a personal bond and furnishing two local sureties each in the like amount to the satisfaction of the court concerned with the following conditions:

- i) The applicant shall not tamper with the prosecution evidence.
- ii) The applicant shall not threaten or harass the prosecution witnesses.
- iii) The applicant shall appear on the date fixed by the trial court.
- iv) The applicant shall not commit any offence similar to the offence of which the applicant is accused, or suspected of the commission.
- v) 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 such person from disclosing facts to the Court or to any police officer or tamper with the evidence.

6. In case of default of any of the conditions enumerated above, the court concerned shall be at liberty to cancel the bail of applicant in accordance with law.

(Dr. Gautam Chowdhary,J.)

January 8, 2026

Mustaqeem.