



2026:AHC:18309

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 2517 of 2026

Ahsan @ Aamir

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Mohd. Naushad

Counsel for Opposite Party(s) : Farah Zafar, G.A., Sadaful Islam Jafri

Court No. - 65

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State as well as Shri S. I. Jafri, learned counsel for the informant and perused the material brought on record.

2. Learned counsel for the applicant submits that applicant is not named in the F.I.R. In the F.I.R. the victim alleges that on 28.05.2025 when she was going to Baraut by bus one person met her and asked her to provide labour work and he took her in a room of hospital, where four-five persons were also present, who committed her raped one by one. In her statement recorded under Section 180 BNSS the victim has not taken the name of applicant, whereas in her statement recorded under Section 183 BNSS the victim took her name, but she has not made any allegation of rape against him. Learned counsel for the applicant further submits that the alleged incident took place on 28.05.2025, the F.I.R. was lodged on 29.05.2025 and the victim was medically examined on the same day, but in her medical examination no sign of sexual assault was found and no spermatozoa was seen on her vaginal smears, though she was medically examined promptly, thus, medical evidence does not corroborate with the allegation of forcible rape committed upon her. 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 30.05.2025, with no criminal history.

3. Per contra, learned A.G.A. as well as learned counsel for the informant

have 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-Ahsan @ Aamir, be enlarged on bail in Case Crime No. 249 of 2025, under Section 70(1) of B.N.S., Police Station- Jhinhana, District- Shamli, 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 27, 2026

Mustaqeem.