



2026:AHC:17758

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 2621 of 2026

Vijay

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Avinash Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE DR. GAUTAM CHOWDHARY, J.

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

2. Learned counsel for the applicant submits that the F.I.R. was lodged in unknown with regard to missing of the informant's wife and his five year old daughter. When the victim was recovered her statement under Section 161 Cr.P.C. was recorded wherein she does not make any allegation of rape against the applicant, whereas in her statement recorded under Section 164 Cr.P.C. the victim has developed prosecution case by making allegation of rape against the applicant. The victim is a married lady, aged about 36 years and she is mother of three children. In her medical examination no external or internal injury was seen on her person, her hymen was found old torn and healed. Learned counsel further submits that there are material contradictions in the statements of the victim recorded under sections 161 & 164 Cr.P.C. and as per statements of the victim she went with the applicant on her own, thus, it appears that she was also consenting and applicant has falsely been implicated. 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 19.09.2025, 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-Vijay, be enlarged on bail in Case Crime No. 102 of 2018, under Sections 366, 376 I.P.C., Police Station- Janakpuri, District- Saharanpur, 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.