



2026:AHC:19424

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 2725 of 2026

Gulsher Khan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sonu Malik
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Vakalatnama filed by Shri Saurabh Chaturvedi on behalf of informant is taken on record.

2. Heard learned counsel for the applicant, learned A.G.A. for the State as well as Shri Sunil Kumar Dubey, Advocate, holding brief of Shri Saurabh Chaturvedi, learned counsel appearing on behalf of informant and perused the material brought on record.

3. Learned counsel for the applicant submits that there is allegation against the applicant that he had committed rape of his real daughter. The victim in her statements recorded under Sections 180 & 183 BNSS had supported the prosecution version. As per the prosecution case, the victim is 16 years of age. Learned counsel further submits that the alleged incident took place on 12.09.2025, the F.I.R. with respect to the alleged incident has been lodged on 15.09.2025 and the victim was medically examined on 16.09.2025, wherein no fresh external or internal injury has been found by the doctor at the time of her medical examination and in her vaginal smears no spermatozoa was seen, thus, medical evidence does not corroborate with the allegation of forcible rape committed upon the victim though she was medically examined promptly. Thus, it has been argued that it is a case of false 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 21.09.2025, with no criminal history.

4. 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.

5. 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.

6. Let the applicant-Gulsher Khan, be enlarged on bail in Case Crime No. 248 of 2025, under Section 64(2)(F), 351(3) of B.N.S., Police Station-Dadaon, District- Aligarh, 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.

7. 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.

8. The concerned trial court is directed to make all possible efforts/endeavour to conclude the trial expeditiously.

(Dr. Gautam Chowdhary,J.)

January 28, 2026

Mustaqeem.