



2026:AHC:42735

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 6895 of 2026

Shishupal Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Gyan Prakash Mishra
Counsel for Opposite Party(s)	:	G.A., Upendra Kumar Pushkar

Court No. - 65

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant, Shri Chandan Singh, learned A.G.A. for the State and perused the record.
2. By means of the instant bail application, the applicant, Shishupal Singh, seeks bail in Case Crime No. 100 of 2024, under Sections 376, 328, 506 I.P.C., Police Station Atrauli, District Aligarh.
3. In the F.I.R. the victim alleges that on 30.07.2023 when she went to irrigate her paddy field from nearby tube well the applicant served her some intoxicated substance on account of which she became unconscious, thereafter, he took her in a closet situated there and after disrobing her committed her rape. He also made video of such incident and threatened her for dire consequences. He also used to blackmail her to make viral such video and used to call her and used to commit her rape.
4. Learned counsel for the applicants submits that as per the prosecution case the alleged incident took place on 30.07.2023, whereas, the F.I.R. was lodged by the victim on 01.03.2024 with an inordinate delay of seven months without there being any plausible explanation of delay. There are material contradictions in her statements recorded under Sections 161 & 164 Cr.P.C. In her medical examination no any internal or external injury was found on the person of the victim. In the samples of vaginal smears of the victim no human sperm was found during forensic test. Several persons have submitted their affidavits to the concerned Superintendent of Police stating therein that father of the victim used to keep watch of the agricultural fields of the applicant from the last ten years and he had taken two lakh rupees from the applicant for marriage of his daughter and when the applicant asked to return his money the present F.I.R. has been lodged with false and frivolous allegations. On 24.02.2024, prior to lodging of the F.I.R. the applicant had moved an application before the concerned S.S.P. stating therein that the victim had made false complaint before the S.S.P. making allegation of her rape against him. In fact no such incident

took place and no one had seen such occurrence. False and frivolous allegations have been made against the applicant and he has been implicated in the case due to ulterior motive and malafide intention. The applicant is in jail since 09.01.2026, with no criminal history.

5. Per contra, learned A.G.A. as well as learned counsel for the informant have submitted that the victim at the trial had adduced her evidence wherein she has supported the prosecution case. In her statement recorded at the trial the victim had specifically stated that she had gone to the concerned police station along with her mother but no heed has been paid by the police, thereafter, she had given her application to the S.S.P. concerned, the present F.I.R. came to be lodged. When the applicant came to know about the application moved by the victim before the S.S.P. he moved his application dated 24.02.2024 before the concerned S.S.P. stating therein that the victim has made false and frivolous allegations against him. During course of investigation clinching and credible evidence found against the applicant which evidence culminated into the charge sheet. Thus, there is active participation of the applicant in commission of offence, therefore, he does not deserve any indulgence.

6. 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 the fact that during course of investigation clinching and credible evidence found against the applicant which evidence culminated into the charge sheet and further, the victim at the trial had supported the prosecution case, without expressing any opinion on the merits of the case, no case for bail is made out.

7. Accordingly, the bail application of applicant-Shishupal Singh, is rejected.

8. However, the trial court is directed to make all possible efforts/endeavour and try to conclude the trial expeditiously.

(Dr. Gautam Chowdhary,J.)

February 25, 2026

Mustaqeem.