



2026:AHC:17044

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 16 of 2026

Rohit

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Prem Chandra Dwivedi, Vivek Kumar Dwivedi

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 applicant is named in the F.I.R. along with two other accused. In the F.I.R. the informant has made suspicion against the applicant for enticement of his wife. In her statement recorded under Section 161 Cr.P.C. the victim states that on the date of occurrence she left her house on her own being annoyed with her husband and reached at Haryana, thus, she has not made any allegation against the applicant, whereas, in her statement recorded under Section 164 Cr.P.C. the victim has developed her case by stating that once applicant after serving her intoxicated substance committed her rape and made video clip of such incident and used to blackmail her and the applicant had taken her to Haryana. The victim had denied for her internal medical examination and in her external examination no any injury was found on the person of the victim. Learned counsel for the applicant further submits that the alleged incident took place on 05.05.2024 and the F.I.R. was lodged on 14.05.2024 after a great delay of eight days without there being any plausible explanation of delay. There are material contradictions in both the statements of the victim recorded under Sections 161 & 164 Cr.P.C. There is no such video clip on record to prove the veracity of such allegation. 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 26.05.2025, 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-Rohit, be enlarged on bail in Case Crime No. 261 of 2024, under Section 366, 376, 328, 354, 506 I.P.C., Police Station- Sadar Bazar, District- Agra, 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 22, 2026

Mustaqeem.