



2026:AHC:17124

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 163 of 2026

Raj Kumar Sahu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Dheeraj 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, 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 by the victim herself stating therein that earlier on 20.06.2025 when she was alone in her house the applicant who is her landlord, came into her house and committed her rape, thereafter, while threatening he used to established sexual relations with her several times. In her statements recorded under Sections 180 & 183 BNSS the victim has supported the version of F.I.R. In her medical examination no external or internal injury was found on the person of the victim. Learned counsel further submits that as alleged, first incident of commission of rape committed upon the victim took place on 20.06.2025 and there is allegation that applicant had established sexual relations with the victim several times, whereas the F.I.R. has been lodged on 01.10.2025, as such there is an inordinate delay in lodging of the F.I.R. as there is no any complaint made by the victim earlier. The victim is married lady. From the version of prosecution it appears that sexual relations were established between them from a considerable period of six months and no such complaint has been lodged earlier, thus, it appears that victim was a consenting party and the applicant has been implicated in the case with false and frivolous allegations with malafide intention and ulterior motive. 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 02.10.2025, 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-Raj Kumar Sahu, be enlarged on bail in Case Crime No. 243 of 2025, under Sections 64(2)(m), 351(3) of B.N.S., Police Station- Sen Pashcimpura, District- Kanpur Nagar, 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.