



2026:AHC:15779

**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**CRIMINAL MISC. BAIL APPLICATION No. - 1710 of 2026**

Irfan

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Ambreen Masroor, Sadrul Islam Jafri,  
Sr. Advocate  
Counsel for Opposite Party(s) : G.A.

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**Court No. - 65**

**HON'BLE DR. GAUTAM CHOWDHARY, J.**

1. Sri Abhijeet Pratap Singh, learned counsel has filed his power on behalf of the informant today in the Court, which is taken on record.
2. Heard Sri N.I.Jafri, learned Senior Counsel assisted by Sri Sadrul Islam Jafri, learned counsel for the applicant, Sri Abhijeet Pratap Singh, learned counsel for the informant, learned A.G.A for the State and perused the record.
3. Learned counsel for the applicant submits that according to the F.I.R. allegations, the applicant along with co-accused Aas Mohammad, Farooq and Rafiq have committed rape with the victim and that video has also been prepared. Learned counsel further that there is no video on record to demonstrate that any videography with regard to alleged offence has been prepared. He further submits that the victim is a married lady and that she has repeated the same version in her statement recorded under Section 183 of B.N.S.S. but learned counsel for the applicant has drawn attention of this Court to the statement of husband of the victim recorded under Section 180 of B.N.S.S., and argued that he has stated that three years prior, illicit relations were developed between his wife and the applicant on account of which he divorced his wife. After completion of Iddat period, he got the victim married with the accused-Irfan, later on, he divorced her, thereafter he again solemnised marriage with the victim. Learned counsel has argued that in fact, the victim is a consenting party and that the applicant has been falsely implicated in the present case due

to 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 applicant is languishing in jail since 12.12.2025.

3. 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.

4. After perusing the record in the light of the submissions made at the bar and after taking an overall view of all the facts and circumstances of this case, the nature of evidence and also the absence of any convincing material to indicate the possibility of tampering with the evidence, without expressing any opinion on merits of the case, this Court is of the view, that the applicant may be enlarged on bail.

5. Let applicant **Irfan** involved in Case Crime No.1008 of 2025 under Sections 64(1), 115(2), 351(3) of B.N.S., Police Station Khurja Nagar, District Bulandshahr, be released on bail on furnishing a personal bond and two local heavy sureties each of the like amount to the satisfaction of the court concerned subject to 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 an 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 breach of any of the above condition, the trial Court shall be at liberty to cancel the bail of the applicant in accordance with law.

7. The bail application is allowed.

**(Dr. Gautam Chowdhary,J.)**

**January 21, 2026**

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