



2026:AHC:25028

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 2768 of 2026

Vidhan Chandra @ Vidhan Chandra Arya

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ajay Kumar Yadav
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 peruse d the record.

2. F.I.R. of this case discloses factual matrix of this matter wherein it has been mentioned that an application under Section 173(4) of BNSS was moved by the informant / victim of this case to the effect that on persuasion of co-accused Anshul Kesri she invested Rs. 1,10,000/- in the Company Loni Urban, Multi-State Credit Thrief Co-operative Society, Sahibabad, Ghaziabad and subsequently when the said money was demanded by her, the said Anshul Kesri developed close relation with the informant / victim and an agreement was also executed by him which was handed over to the victim. A forged Fixed Deposit Certificate was also issued by him. The FIR further reveals that the victim was called at the residence of the said Anshul Kesri where the other accused persons were also present. She was administered cold-drink and some intoxicant was also mixed therein. As soon as she took the cold-drink she became unconscious and all the accused persons committed rape with her in her state of unconsciousness. When the police did not lodge FIR, an application under Section 173(4) of BNSS was moved and on the basis of order passed by the Magistrate concerned thereon, FIR in the matter was lodged.

3. Learned counsel for the applicant has contended that the complicity of the applicant in commission of alleged offence is not made out and that there is no credible evidence against him. Allegations levelled against the applicant are false. It is also submitted that as per the statement of the victim recorded under Section 180 of BNSS Rupees Five Lakhs were taken with deceitful means but the said fact is false. The applicant has no concern with the present matter. It is also submitted that though a claim has been made by the

victim for commission of gang rape with her but the medical evidence available on record does not corroborate the same. No obscene photograph or video was collected by the I.O. so far. Learned counsel next argued that the monetary dispute has been dragged into criminal prosecution of the applicant and that the applicant has been falsely implicated in the present case. Learned counsel has next argued that similarly situated co-accused Krishna Kumar Chaurasia and Ansul Keshari have already been enlarged on bail this Court vide order dated 05.01.2026 and 08.01.2026 passed in Criminal Misc. Bail Application No. 44149 of 2025 and 293 of 2026, copy of which orders have been produced before this Court and are taken on record. It is thus contended that the applicant is also entitled for bail. 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 04.11.2025.

4. 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. In case the applicant is released on bail he will misuse the liberty of bail.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties, nature of evidence, and all attending facts and circumstances of the case, without expressing any opinion on merits of the case, this Court is of the view that the applicant has made out a case for bail. Hence the bail application is allowed.

6. Let applicant **Vidhan Chandra @ Vidhan Chandra Arya** involved in Case Crime No.260 of 2025 under Sections 318(4), 123, 70 (1), 351(2), 61(2) of B.N.S., Police Station Ram Nagar, District Varanasi, be released on bail on furnishing a personal bond and two heavy local 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.
7. 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.

(Dr. Gautam Chowdhary,J.)

February 4, 2026
S.Ali