



2026:AHC:25970

**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**CRIMINAL MISC. BAIL APPLICATION No. - 2957 of 2026**

Naushad

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

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| Counsel for Applicant(s)      | : | Sanjai Kumar Pandey |
| Counsel for Opposite Party(s) | : | G.A.                |

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**Court No. - 3**

**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. dated 21.10.2025 was lodged by the informant alleging therein that on 14.10.2025 at about 8:00 hours in the night when her wife went to sleep the applicant entered into the house and committed her rape forcibly. Learned counsel further submits that though the alleged incident took place on 14.10.2025 and the F.I.R. with regard to the said incident has been lodged on 21.10.2025 without there being any plausible explanation of such an inordinate delay of five days. Learned counsel further submits that though the victim in her statements recorded under Sections 180 & 183 BNSS has made specific allegation of rape against the applicant, but a perusal of both the statements of the victim goes to show that the applicant was known to victim and her family members as he was driving tractor belongs to the victim's family, and on the date of incident when he was fleeing away the victim's mother-in-law saw him and tried to catch him but he fled away after pushing her, thus, it appears that victim is a consenting party 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 22.10.2025, 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-Naushad, be enlarged on bail in Case Crime No. 190 of 2025, under Sections 64(1), 351(3) of B.N.S., Police Station- Itwa, District- Siddharth 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.)**

**February 5, 2026**

Mustaqeem.