



2026:AHC:26018

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 3047 of 2026

Deepak Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Dharm Vir Jaiswal, Harsh Vikram,
Satendra Kumar

Counsel for Opposite Party(s) : G.A.

Court No. - 3

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. which was lodged by the victim herself alleging therein that when she was sleeping on the roof in the night the applicant reached there and caught her, when she tried to make noise he gagged her and thereafter committed her rape and when her husband came there he caught her and dialed 112 thereafter, applicant fled away. The victim in her statements recorded under Sections 180 & 183 BNSS has supported the prosecution case. Learned counsel further submits that the husband of the victim in his statement before the police has stated that on the date of occurrence he was sleeping in a room whereas his wife was sleeping in another room and when at about 11:30 hours in the night he woke up then he went to the room of his wife then he caught the applicant there and his wife told her that applicant had committed her rape there. Learned counsel further submits that the alleged incident took place on 20.11.2025 at about 11:30 p.m., whereas, the victim was medically examined on 21.11.2025, but in her medical examination no external or internal injury was found on the person of the victim, thus, medical evidence does not corroborate with the allegation of forcible rape committed upon her. 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 22.11.2025, with no criminal history.

3. Per contra, learned A.G.A. has opposed the prayer for bail of the applicant by contending that 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-Deepak Kumar, be enlarged on bail in Case Crime No. 335 of 2025, under Section 333, 64(1) of B.N.S., Police Station- Bhagatpur, District- Moradabad, 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.