



2026:AHC:26047

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 3056 of 2026

Sunny

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Om Prakash Vishwakarma, Ram Babu
Yadav

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 on 15.09.2025 alleging therein that she is a deserted woman and has no issue, one month earlier the applicant served her some eatable on account of which she became unconscious and he had committed her rape forcibly, he also made video clip of such incident and he had also sustained some injuries, thereafter, again on 09.09.2025 at about 11:00 p.m. he again committed her rape forcibly against her wishes. In her statement recorded under Section 180 BNSS the victim while supporting the version of F.I.R. has also stated that on 18.08.2025 he also served her medicine for removal of her pregnancy. Learned counsel for the applicant further submits that there is no mention about date and time when the applicant had committed rape upon the victim first time and for which she had not made any complaint earlier. The F.I.R. itself has been lodged with a great delay without any proper explanation. There are material contradictions in the version of F.I.R. as well as in both the statements of the victim recorded under Sections 180 & 183 BNSS. The victim is a deserted lady of 36 years of age. In her medical examination no external injuries were found on the person of the victim though prosecution has come up with the allegation that applicant had also assaulted her. Thus, it has been argued that it is a case of false 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 10.12.2025, 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-Sunny, be enlarged on bail in Case Crime No. 404 of 2025, under Section 64(1), 123(1), 115(2), 127(2) of B.N.S., Police Station- Partapur, District- Meerut, 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.