



2026:AHC:27655

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 3377 of 2026

Shiva

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Meraj Ahmad Khan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

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. along with two other accused. In the F.I.R. the victim alleges that all the named accused including the applicant took her at a place and by making captive her and committed her rape one by one. In her statement recorded under Section 180 BNSS the victim states that he was in friendship relation with the co-accused, Sachin, one day the said co-accused, Sachin by making promise of marriage took her at a place in a rented room and established sexual relations with her, when she asked to solemnize marriage with her, he refused for the same and assaulted her, thereafter on 20.09.2025 she managed to escape from there, thus, the victim has not made any allegation against the applicant. In her statement recorded under Section 183 BNSS the victim has developed her case by stating that on 09.06.2025 all the accused named in the F.I.R. got seated her in a vehicle and by sniffing some intoxicant they committed her rape several times. In her medical examination no external or internal injury was found on the person of the victim, her hymen was found old torn and healed. As per prosecution case the victim was 19 years of age at the time of alleged incident. There are material contradictions in the statements of the victim recorded under Sections 180 & 183 BNSS. 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 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 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-Shiva, be enlarged on bail in Case Crime No. 1003 of 2025, under Section 70(1), 115(2), 123, 127(2) of B.N.S., Police Station- Majhola, 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 9, 2026

Mustaqeem.