



2026:AHC:27755

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 3384 of 2026

Lalchanda Vishwakarma

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Chandra Bhushan Singh
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 perused the material brought on record.

2. Learned counsel for the applicant submits that applicant is named in the F.I.R. In the F.I.R. the informant alleges that when her daughter aged about 19 years went to cut woods then the applicant while making obscene activity tried to drag her in his house. In her statement recorded under Section 180 BNSS the victim states that on the date of occurrence when she was going to cut woods the applicant called her to his shop and after disrobing her he molested her. In her statement recorded under Section 183 BNSS the victim states that applicant had called and took her in the D.J. shop and committed her rape. Learned counsel further submits in her medical examination two abrasion were found on the person of the victim, however, in her internal medical examination no spermatozoa was seen in her vaginal smear and no internal injury was found. Learned counsel further submits that as per prosecution case victim is mentally retarded but there is no description that while recording her statement under Section 183 BNSS she was given help of any special educator or expert. Learned counsel further submits that 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. Learned counsel further states that as per the statement of the victim recorded under Section 183 BNSS the victim states that applicant had called her and took her in a D.J. shop where he committed her rape, but as per the site place made during the investigation there is no mention about the D.J. shop. 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 09.11.2025, with no criminal history.

3. Per contra, learned A.G.A. has opposed the prayer for bail of the applicant by contending that 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-Lalchanda Vishwakarma, be enlarged on bail in Case Crime No. 343 of 2025, under Sections 64(2), 351(3) of B.N.S., Police Station- Bardah, District- Azamgarh, 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.