



2026:AHC:27065

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 4353 of 2026

Kulvendra @ Kallu

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Naseem Ahmad, Salman Ahmad
Counsel for Opposite Party(s)	:	G.A., Pradyumn Kumar

Court No. - 3

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State as well as Shri Pradyumn Kumar, learned counsel for the informant and perused the material brought on record.

2. Learned counsel for the applicant submits that in the F.I.R. the informant alleges that on the date of occurrence the applicant entered into his house and committed obscene activity with his minor daughter aged about 16 years, which incident was witnessed by two persons. The victim in her statement recorded under Section 180 BNSS states that on the date of occurrence she made phone call to the applicant and called him on her home, he stayed there for three-four hours and sexual relation was established between them on her own consent, whereas, in her statement recorded under Section 183 BNSS the victim has developed her case by making allegation rape committed upon her forcibly by the applicant. She also states that earlier the applicant had established sexual relation with her two times forcibly. The two alleged witnesses who caught the applicant in their statements only made allegation of obscene activity committed upon the victim by the applicant. The victim was medically examined after two days of the alleged incident wherein no internal or internal injury was found on the person of the victim, her hymen was found old torn and no spermatozoa was seen on her vaginal smears. As per radiological report the victim was found 17 years of age. Learned counsel, thus, submits that medical evidence does not corroborate with the allegation of forcible rape committed upon her and moreover, 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 12.12.2025, with no criminal history.

3. Per contra, learned A.G.A. as well as learned counsel for the informant have 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-Kulvendra @ Kallu, be enlarged on bail in Case Crime No. 523 of 2025, under Section 74, 333, 65(1), 351(2) of B.N.S. read with Section 7/8 of Protection of Children From Sexual Offences Act, Police Station- Kuravali, District- Mainpuri, 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 6, 2026

Mustaqeem.