



2026:AHC:27111

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 4417 of 2026

Nagina Ram

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Devendra Mani Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 3

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 as per the prosecution case the applicant is the brother-in-law (Jeth) of the victim. In the F.I.R. the informant alleges that on the date of occurrence the applicant entered into her house and committed obscene activity with her and tried to outrage her modesty, whereas, in her statement recorded under Section 180 BNSS she states that on the date of occurrence the applicant after holding her wrist committed bad touch with her, however, in her statement recorded under Section 183 BNSS she has made allegation of rape against the applicant. The victim has denied for her internal medical examination. As per the victim she is 18 years of age. Thus, there are material contradictions in the statements of the victim recorded under Sections 180 & 183 BNSS. It has thus 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. 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-Nagina Ram, be enlarged on bail in Case Crime No. 127 of 2025, under Section 74, 333, 64(2) of B.N.S., Police Station-Dheena, District- Chandauli, 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.