



2026:AHC:56169

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 9128 of 2026

Yusuf

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Aditya Prasad Mishra
Counsel for Opposite Party(s) : G.A., Manish Kumar Singh

Court No. - 65

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard Aditya Prasad Mishra, learned counsel for the applicant, Sri V.M.Zaidi, learned Senior Counsel assisted by Sri Manish Kumar Singh, Sri Chandan Singh, learned A.G.A. for the State, Sri Kuldeep Tripathi learned counsel for the informant, and perused the entire material available on record.
2. The applicant-**Yusuf** has filed the instant bail application with a prayer to enlarge him on bail in Crime No.528 of 2025, under Sections 351 (2), 123, 64(1) of B.N.S., Police Station Kandhla, District Shamli, during the pendency of the trial.
3. The prosecution story is that the informant/victim is divorcee lady residing with her children and one of her child was ill since last six months as such she was acquainted with occultist-applicant, who used to practice exorcisms and "tantric rituals" under the guise of treatment. It is further averred that under the pretext of treating her child, the applicant visited her house and misled her into that some hidden treasure buried in her house and that the applicant claimed that he could extract the same by using his tantric powers. As such, he continued performing these rituals at my home for several days. It has also been averred that on 31.12.2025 between 02:30 P.M. to 03:00 P.M., the applicant took her to Kandhla graveyard on his motorcycle under the pretext of further treatment for her child and she

accompanied her to the graveyard and nearby orchard, another person was present, whom the applicant claimed that he is an assistant to him. The applicant gave some suspicious substance to drink upon consuming it, she became semi-consciousness. Taking advantage of same, the outraged her modesty. When she resisted and raised alarm, nearby person came to the place and on seeing them, the applicant and the co-accused fled away giving threatening to kill her.

4. Learned counsel for the applicant submits that the incident is alleged to have occurred at about 14:30 hours of 31.12.2025, whereas the F.I.R. has been lodged on the same day at about 21:21 hours without there being any plausible explanation of such delay. Learned counsel for the applicant has contended prior to lodging of the F.I.R. of the instant case, the victim had earlier filed an application under Section 173(4) of B.N.S.S. in the Court of Chief Judicial Magistrate, Baghpat against the applicant and three unknown persons with regard to commission of rape. It has also been alleged in the said application that on 07.08.2025, the applicant along with associates came to her house and had shown her obscene video, thereafter they went away giving threatening to her however, the application was dismissed in default vide order dated 22.01.2026, copy of application under Section 173(4) of B.N.S.S. as well as order dated 22.01.2026 are annexed as Annexure-8 and 9 to the affidavit accompanying the bail application. Learned counsel further argued that the marriage of son of the applicant namely Arshad Qureshi was solemnised with Mantasha daughter of Hazi Qasim, and between the couple matrimonial discord arose on account of which, the brother of the bride lodged a F.I.R. against the applicant and his family members in Case Crime No. 199 of 2025. Learned counsel further argued that when in-laws of applicant's son came to know that an application under Section 173 (4) of B.N.S.S. was filed by the victim at Baghpat, they made a device to the informant's to lodge an F.I.R. of the instant case. Learned counsel further argued that the application under

Section 173(4) of B.N.S.S., was filed with respect to the incident of rape alleged to have committed by the applicant in the month of August 2025, whereas in the F.I.R. of the instant case, the victim has described the incident alleged to have taken place in the month of December 2025 wherein it has stated that the victim/informant had accompanied the applicant on a motor to a graveyard, where the offence has been committed, which cannot be believed by a man of ordinary prudence for the reasons that once rape has been committed by the applicant in the month of August 2025 then it would be highly improbable that she would accompany the applicant to anywhere. It is thus contended that the applicant has been falsely implicated in the present case at the behest of in-laws of the applicant's son. Apart from the aforesaid submissions, learned counsel also argued that the medical evidence does not corroborate with the prosecution version. It is thus contended that the applicant has been falsely implicated in the present case due to ulterior motive. 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 applicant is languishing in jail since 21.01.2026. Learned counsel thus argued that the applicant is entitled for bail.

5. On the other hand, Sri V.M.Zaidi, learned Senior Counsel for the informant as well as learned A.G.A. have drawn attention of this Court to the recovery memo pertaining to video and on seeing the video, it was found that the victim was sitting in a nude position, which has been kept in a pendrive. The said video has been certified under Section 65-B of the Evidence Act. It is thus contended that there is specific

allegation against the applicant and that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence.

6. Perusal of the record shows that the applicant has been assigned specific role which has also been supported by the victim in her statements recorded under Sections 180 and 183 of B.N.S.S. Apart from the same, there is a certification under Section 65-B of the Indian Evidence Act. The applicant, who alleged himself to be occultist and behind the said occultism, the applicant is committing heinous offence against the society, therefore I do not find any good reason to exercise my discretion in favour of the accused-applicant.

7. Keeping in view submissions of learned counsel for the parties, gravity of offence, nature of allegations and all the attending facts and circumstances of the case, without expressing any opinion on the merits of the case, the bail application of the applicant-**Yusuf** stands rejected.

(Dr. Gautam Chowdhary,J.)

March 18, 2026

S.Ali