



2026:AHC:65867

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 7245 of 2026

Intejar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Vinod Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

(Sl. No. 74 out of 295)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. As informed by learned A.G.A., notice to the informant has been served on 19.2.2026.
2. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
3. Heard Sri Vinod Singh, learned counsel for the applicant as well as Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
4. Applicant seeks bail in Case Crime No. 193 of 2025, under Sections 65(1) BNS and 3(2)(v) SC/ST Act and 3/4 POCSO Act, Police Station Saifni, District Rampur, during the pendency of trial.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The allegations are per se false. The FIR itself is delayed by seven hours and there is no explanation of the said delay caused.
6. Learned counsel has further stated that the allegations of outraging the modesty of the victim were made in the FIR and the same allegations were reiterated in the statement of the victim recorded u/s 180 BNSS, that too, after a delay of about twenty days. The applicant and the co-accused persons were granted bail in the meantime.

7. Learned counsel has next stated that subsequently, in the statement of the victim recorded u/s 183 BNSS, the allegations of rape have been escalated by the victim after legal consultation. Even the victim, who was again examined by the trial court concerned after the statement u/s 183 BNSS was recorded, on 21.11.2025 i.e. after a delay of more than one month, the victim has stated that applicant attempted to commit rape. There are no allegations of applicant having subjected to any kind of sexual assault have been made. Only one injury on the eye-ball has been observed which may be caused by hard and blunt object, as such, the applicant is entitled for bail.

8. Learned counsel for the applicant has further stated that there is a criminal history of one case assigned to the applicant, which stands explained. The applicant is languishing in jail since 17.10.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

9. Learned A.G.A. has vehemently opposed the bail application but could not dispute the submissions made by the counsel for the applicant.

10. The Supreme Court in ***Prabhakar Tewari vs. State of U.P. And Another, (2020) 11 SCC 648*** has observed that pendency of several criminal cases against an accused itself cannot be a basis for refusal of bail, if otherwise his case for bail is made out.

11. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that there is no medical corroboration of the incident as far as sexual assault is concerned, coupled by the fact that the victim for the first time had raised the allegation of rape u/s 183 BNSS that too belatedly and also taking into consideration the fact that applicant was on bail in the other sections before the addition of Sections 65(1) BNS and 3(2)(v) SC/ST Act and 3/4 POCSO Act, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

12. Let the applicant- **Intejar** who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to

following conditions. Further, before issuing the release order, the sureties be verified.

- (i) The applicant shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

13. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

14. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

March 30, 2026
Shalini