



2026:AHC:65935

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 7270 of 2026

Manish

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Kuldeep Singh Chahar
Counsel for Opposite Party(s)	:	Dinesh Kumar, G.A.

Court No. - 65

(Sl. No. 76 out of 295)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Counter affidavit filed by learned counsel for the informant is taken on record.
2. Learned counsel for the applicant does not propose to file rejoinder affidavit.
3. Heard Sri Kuldeep Singh Chahar, learned counsel for the applicant, Sri Dinesh Kumar, learned counsel for the informant as well as Sri R.P. Patel, learned State Law Officer and perused the material placed on record.
4. Applicant seeks bail in Case Crime No. 663 of 2025, under Sections 137(2), 87, 333, 65(1) BNS and 3/4(2) POCSO Act, Police Station Koshi Kalan, District Mathura, 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 FIR itself is delayed by three days and there is no explanation of the said delay caused.
6. Learned counsel has next stated that the consent of the victim can be drawn from the fact that the victim is stated to have taken away Rs. 3,80,000/- from her house and her consent is but evident from her statement recorded u/s 183 BNSS, whereby on being specifically put a question by the Magistrate, she has denied being subjected to any sexual assault by the applicant. Subsequently, as an afterthought, an application was moved by the

victim on 18.11.2025 whereby the allegations of gang rape were made against the applicant and co-accused person Hariom. Had it been so, it would have come up at the time of recording of statement u/s 183 BNSS itself. Even otherwise, the application moved on 19.11.2025 is hit by Section 181 BNSS, as such, the applicant is entitled for bail.

7. Learned counsel for the applicant has further stated that there is no criminal history of the applicant. There is no medical corroboration of the incident. The applicant is languishing in jail since 21.11.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

8. Learned A.G.A. and learned counsel for the informant have vehemently opposed the bail application on the ground that the family members of the applicant are threatening the informant and the victim to refrain from deposing against the applicant and that was that reason why the victim did not make any allegations of gang rape against applicant or co-accused person at the time of her statement recorded u/s 183 BNSS. The said applications given before the authorities on 18.11.2025 and 26.11.2025 have been filed as Annexure-CA-IV to the counter affidavit. The victim is 14 years old only, as such, the applicant is not entitled for bail.

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay in FIR and the fact that the victim has denied being subjected to any sexual assault at the time of recording of her statement u/s 183 BNSS and she has travelled to several places and has not raised any alarm during the said sojourn, 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**.

10. Let the applicant- **Manish**, 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.

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

12. 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