



2026:AHC:67723

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 8989 of 2026

Rajesh Alias Rajesh Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ehtesham Afsar Khan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Ehtesham Afsar Khan, learned counsel for the applicant, Sri Shiv Dutta Shukla, learned A.G.A. for the State and perused the record. At the very outset, learned AGA submits that notice has been served on first informant.

2. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant with a prayer to release him on bail in Case Crime no. 342 of 2025, under Sections 137(2), 351(2), 352 B.N.S. & Section 5/6 of the POCSO Act, Police Station Thariyaon, District Fatehpur, during pendency of the trial.

3. It is contended by learned counsel for the applicant that applicant has been falsely implicated in the present case. He further submits that the first information report have been lodged after delay of six days, for which there is no explanation offered and there are material contradictions in the statement of victim recorded under Sections 180 and 183 of BNSS. It is further submitted that the allegations made in the FIR do not find support from the medical evidence and the applicant has not been medically examined. Applicant is in jail since 30.11.2025. It is further submitted that applicant has no criminal history to his credit and he undertakes to co-operate during trial and in case he is granted bail, he shall not misuse the liberty of bail and would obey all conditions of bail.

4. On the other hand, learned A.G.A. opposed the prayer for grant of

anticipatory bail.

5. As per the allegations in the FIR, there are contradictions in the statement of victim recorded under Sections 180 and 183 Cr.P.C. regarding penetrative sexual assault. Medical examination report of the victim does not corroborated with the allegations made in the statement. Applicant is in jail since 30.11.2025.

6. Upon considering the totality of facts, nature and the evidence reflected from record and without expressing any opinion on merits of the case, I find it to be a fit case for bail. Hence, the present bail application is **ALLOWED**.

7. Let the applicant- **Rajesh Alias Rajesh Kumar**, involved in the aforesaid case crime be released on bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions :-

(i) 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 him from disclosing such facts to the court or to any police officer or tamper with the evidence.

(ii) The applicant shall not pressurize/intimidate the prosecution witnesses.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of B.N.S.S.

(iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

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

9. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(Jitendra Kumar Sinha,J.)

March 31, 2026
KJ