



2026:AHC:2773

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. BAIL APPLICATION No. - 45784 of 2025**

Rahul Rajpoot

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

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| Counsel for Applicant(s)      | : | Sanjeev Kumar Pandey |
| Counsel for Opposite Party(s) | : | G.A.                 |

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**Court No. - 66**

**HON'BLE KRISHAN PAHAL, J.**

1. List has been revised.
2. Heard Sri Sanjeev Kumar Pandey, learned counsel for the applicant and Sri Jai Kishan Chaurasia, learned State Law Officer and perused the record.
3. Applicant seeks bail in Case Crime No. 437 of 2025, under Section 103(1) of BNS, Police Station - Kotwali, District - Mathura, during the pendency of trial.
4. The prosecution alleges that the applicant had an illicit relationship with the deceased and had called her to his rented room on 16.07.2025, where a dispute allegedly took place, and the dead body was later recovered from that room.
5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He was not present at the place of occurrence at the relevant time, and there is no evidence to show his presence. It is also argued that mere tenancy of the room does not attract culpability. The presumption under Section 109 of the Bharatiya Sakshya Adhiniyam can arise only if the prosecution first establishes the applicant's presence at the scene of crime, which is clearly absent even from the FIR.
6. Learned counsel has also stated that the applicant is languishing in jail

since 17.07.2025, having no criminal history to his credit. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

7. Per contra, learned State Law Officer has vehemently opposed the bail application on the ground that the deceased was a young lady of 24 years of age and her dead body was retrieved from the rental room of the applicant only, as such, the onus lies on the applicant to explain as to how she expired in his room.

8. Considering the facts and circumstances of the case, submissions advanced by learned counsel for the parties and taking into consideration the fact that the dead body was found in the room of the applicant, I do not find it a fit case to release the applicant on bail.

9. The bail application is, accordingly, **rejected**.

10. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously, in view of the principle laid down in the recent judgements of the Supreme Court in the cases of **Vinod Kumar vs. State of Punjab 2015 (3) SCC 220** and **Hussain and Another vs. Union of India (2017) 5 SCC 702**, if there is no legal impediment.

11. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

**(Krishan Pahal,J.)**

**January 7, 2026**  
Siddhant