



2026:AHC:68316

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION
U/S 482 BNSS No. - 2416 of 2026

Jeeshan @ Shanu @ Mohd Dishan

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Manoj Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard, Learned counsel for the applicant, the Learned A.G.A. for the State and perused the record.
2. Supplementary affidavit filed by the Learned counsel for the applicant in Court today, is taken on the record.
3. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.209 of 2025, under Sections 87, 137(2), 70(1) of B.N.S., Police Station- Dilari, District- Moradabad, with a prayer to enlarge him on anticipatory bail as the applicant apprehends his arrest in the above-mentioned case.
4. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case. There are two victims in the present case. One being a major and other being a minor. In statements recorded under Sections 180 & 183 of the BNSS, 2023 of the major victim, the allegation against the applicant and other accused is of misbehaving (*Chedchad*) with the victims and taking away the minor sister of the victim. The improvement was made by the major victim in her statement under Section 183 BNSS, 2023, where allegation of gang rape has been levelled against Hasim and Islam (co-accused). No allegation of committing rape upon the major

victim has been attributed to the applicant. The Learned counsel for the applicant further contends that the minor victim in her statement recorded under Section 183 BNSS has not made any allegation of rape against any one and had stated that it was her sister, who had taken the victim and left her at the train station, after which she voluntarily came to the police station. Learned counsel for the applicant states that the applicant has been falsely implicated in a previous case being Case Crime No.03 of 2024, under Sections 365, 342, 506 I.P.C. and Section 16/17 of the POCSO Act, in which, no allegation of rape was made against the applicant and the allegation of rape in the said case was against the co-accused Nadeem. The applicant has been granted bail in the above mentioned case by this Court vide its order dated 09.04.2024 passed in **Criminal Misc. Bail Application No.11325 of 2024 (Sonu Alias Dishan Vs. State of U.P. and Others)**.

5. The Learned A.G.A. has opposed the prayer for grant of anticipatory bail and has contended that applicant had earlier also been involved in a sexual offence and he is a repeat offender and may not be considered for grant of anticipatory bail. The Learned A.G.A. has further contended that the applicant although, may not have been assigned the role of committing rape upon the major victim, however, has actively assisted in her abduction.

6. I have considered the submissions made by the Learned counsels for the parties and perused the material brought on the record.

7. A perusal of the statement recorded under Section 180 BNSS of the major victim, indicates that no allegation of rape has been made against any of the accused. In her statement recorded under Section 183 BNSS also, no allegation of rape has been made against the applicant. The minor victim, who has gone to the police station herself, has also not made any allegations of rape nor any allegations against any of the

accused.

8. In such circumstances, taking into account the serious improvement in statements recorded under Sections 180 and 183 BNSS of the major victim and the clear contrast in the statement recorded under Section 183 BNSS of the major victim and the minor victim, in the opinion of the Court, it appears that the applicant has been falsely implicated. Although, the applicant has a criminal history of a previous case involving sexual offences, however, a perusal of the bail granting order passed by this Court indicates that even in the earlier case, no role of committing rape upon the victim was attributed to the applicant. In such circumstances, *prima facie*, this Court from the consideration of the statement of both the victims finds that the applicant has not committed offence that has been alleged against him.

9. In view of the aforesaid facts and circumstances of the case as discussed above, I deem it appropriate to enlarge the applicant on anticipatory bail.

10. In view of the above, the anticipatory bail application of the applicant is ***allowed***.

11. In the event of the arrest of the **applicant-Jeeshan @ Shanu @ Mohd Dishan**, he shall be released forthwith in the aforesaid case crime on anticipatory bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Station House Officer of the police station/Court concerned with the following conditions:-

- i. the applicant shall make himself available for interrogation by a police officer as and when required;
- ii. that 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;

iii. that the applicant shall not leave India without the previous permission of the Court;

iv. that the applicant shall not pressurize/intimidate the prosecution witness;

12. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the bail.

13. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

March 31, 2026/Sachin

(Rajiv Lochan Shukla,J.)