



2026:AHC-LKO:20430

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 2017 of 2026

Rakesh @ Buddhu

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of Home Lko.

.....Opposite
Party(s)

Counsel for Applicant(s) : Vijayendra Prakash Tripathi, Chaitanya
Tiwari
Counsel for Opposite Party(s) : G.A.

Court No. - 13

HON'BLE SAURABH LAVANIA, J.

1. Heard Shri Vijayendra Prakash Tripathi, learned counsel for the applicant and Shri Vinay Kumar Shahi, learned A.G.A. for the State who states that he has instructions in the matter and is ready to argue the case on merits.
2. The present application has been filed on behalf of the applicant seeking bail in FIR/Case Crime No.0253/2022, under Sections 366, 376D, 120-B IPC, Police Station - Haiderganj, District - Ayodhya.
3. While pressing the instant application, learned counsel for the applicant submitted that the applicant is innocent and he has falsely been implicated in the present case.
4. Learned counsel for the applicant has further submitted that the case of the prosecution as indicated in the F.I.R. is completely false, concocted and bogus.
5. It is next submitted that according to the F.I.R. registered as FIR/Case Crime No.0253/2022, under Sections 366, 376D, 120-B IPC, Police Station - Haiderganj, District - Ayodhya on 05.12.2022 in connection to which the applicant having no criminal history is in jail since 10.08.2023, the co-accused Shiv Chand S/o Babu Lal enticed away the daughter of the informant aged about 20 years on 27.11.2022. Applicant is the real brother of the co-accused Shiv Chand.
6. It is further submitted that after the recovery of the prosecutrix/victim the

statement of the victim was recorded by the Investigating Officer (in short "I.O.") and the copy of the statement of the prosecutrix/victim, annexed as Annexure No.2 to the instant bail application would indicate that no allegation was leveled by the prosecutrix/victim against the present applicant and the allegations, if any, was leveled that was against co-accused Shiv Chand.

7. Learned counsel for the applicant further submitted that the victim while making her statement before the Magistrate concerned in terms of Section 164 Cr.P.C. improved her version by making allegations against the applicant as also the co-accused Shiv Chand who is the real brother of the applicant.

8. Learned counsel for the applicant also submitted that the allegations against the applicant were leveled with oblique motive including the motive of harassing the applicant and his family members.

9. Learned counsel for the applicant further submitted that infact the co-accused Shiv Chand and the victim were in affair and therefore the victim on her volition left her house and accompanied the co-accused Shiv Chand and thereafter the F.I.R. in issue was lodged and after being recovered the custody of the victim was given to her parents and she leveled the allegations against the co-accused Shiv Chand and present applicant under the threat of her family members.

10. In continuation, it is also submitted that a perusal of the statement of the victim (PW-2) and the complainant/informant (PW-1) annexed as Annexure No.8 to the present bail application would indicate that she is not the truthful/sterling witness. Explaining the same, it is stated that according to the statement of the victim (PW-2) recorded before the Trial Court she made correct statement before the Police. According to the statement of the victim before the Trial Court the statement made by her before the Magistrate was tutored.

11. It is next submitted that the informant and victim, the main witnesses of the case have already been recorded before the Trial Court, therefore, if released on bail, the applicant cannot influence the witnesses.

12. It is further stated that co-accused Shiv Chand whose name finds place in the F.I.R. was released on bail by the Trial Court vide order dated

19.10.2023, passed in Bail Application No.1922/2023.

13. Learned counsel for the applicant further submitted that the applicant is not in a position to tamper the evidence which is already available before the Trial Court.

14. Lastly, it is submitted that taking note of the facts of the case and period of incarceration since 10.08.2023 as also that the main witnesses of the fact have already been examined before the Trial Court as also that the applicant is not in a position to influence the witnesses or tamper the evidence and co-accused Shiv Chand whose name finds place in the F.I.R. has already been released on bail by the Trial Court, the applicant is entitled to be released on bail.

15. In these circumstances, the applicant, who has no criminal history and is languishing in jail since 10.08.2023, is entitled to be released on bail. In case of being enlarged on bail, he will not misuse the liberty of bail and will cooperate in trial and would also not influence the prosecution witnesses.

16. Learned A.G.A. has opposed the prayer of the applicant. However, he could not dispute the above contention made by the applicant's counsel.

17. Considering the arguments advanced by the learned counsel for the applicant, learned A.G.A. and going through the contents of the application, F.I.R., as well as other relevant documents, period of incarceration since 10.08.2023 as also that the main witnesses of the fact have already been examined before the Trial Court as also that the applicant is not in a position to influence the witnesses or tamper the evidence and co-accused Shiv Chand whose name finds place in the F.I.R. has already been released on bail by the Trial Court and also that applicant has no criminal history and without going into the merits of the case, this Court is of the view that the application has substance and it is accordingly, allowed.

18. Let the applicant - **Rakesh Urf Buddhu**, be released on bail in the aforesaid case crime number on his furnishing personal bond of Rs. 25,000/- and two reliable sureties, out of which one should be of the family member/close relative, in the like amount to the satisfaction of the court concerned, subject to following conditions :-

(i) The applicant will cooperate with the prosecution during trial.

- (ii) The applicant will not tamper with the evidence during trial.
- (iii) The applicant will not pressurize/intimidate the prosecution witness(es).
- (iv) The applicant shall not commit an offence.
- (v) 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.
- (vi) The applicant shall remain present before the trial court on each date fixed, either personally or through counsel.
- (vii) The applicant will not seek any adjournment on the dates fixed for evidence when the witnesses are present in court.
- (viii) The applicant shall remain present, in person, before the trial court on the dates fixed for recording of statement under Section 313 Cr.P.C.

19. In case of default of above conditions it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

20. As this order relates to enlargement of the applicant on bail, it is clarified that observations made in this order shall have no bearing on the merits of the case and the trial court shall not be influenced by any observation made in this order.

March 20, 2026
ML/-

(Saurabh Lavania,J.)