



2026:AHC:32611

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 5319 of 2026

Asif

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Srijan Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Shri Raj Kumar Pandey, Advocate, has filed his vakalatnama on behalf of informant, which is taken on record.

2. Heard Shri Saurabh Pandey, Advocate, holding brief of Shri Srijan Pandey, learned counsel for the applicant, learned A.G.A. for the State as well as learned counsel for the informant and perused the material brought on record.

3. Learned counsel for the applicant submits that applicant is not named in the F.I.R. In the F.I.R. the victim alleges that the suit for divorce was pending between her and her husband, in the meanwhile she used to talk with the named accused, Kasim, on 04.06.2025 the said named accused called her and she went with him in a four wheeler, on the way he served her drink on account of which became unconscious and when she regained consciousness she found no clothes on her body then she ensured that rape has been committed upon her. Thus, in the F.I.R. the victim has not made any allegation against the applicant. In her statement recorded under Section 180 BNSS the victim alleges that when on the date of occurrence she went with the named accused, Kasim, there were two other persons, whereas, in her statement recorded under Section 183 BNSS the victim states that the applicant was also present in the four wheeler along with the named accused, Kasim and when she regained consciousness the named accused, Kasim, the applicant as well as one other accused, Akram were also there. Thus, there are material contradictions in the version of F.I.R. as well as in the statements of the victim recorded under Sections 180 & 183 BNSS. Learned counsel thus, submits that the victim in her statement recorded under Section 180 & 183 BNSS states that when she regained consciousness she found

herself with no clothes, but she has not made any allegation of rape against the applicant and as per the F.I.R. main allegation is against the named accused, Kasim. The victim is a major lady aged about 31 years. One co-accused, Akram, has already been granted bail by a coordinate bench of this Court. In the medical examination of the victim no internal or external injury was found on her person. Thus, it is a case of false implication and the applicant has been prosecuted with malafide intention and ulterior motive. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have also been placed before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been mentioned. It has also been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required and is also ready to accept all the conditions which the Court may deem fit to impose upon him. He next submits that the applicant is in jail since 10.09.2025, with no criminal history.

4. Per contra, learned A.G.A. as well as learned counsel for the informant have opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence, but they could not dispute that as per the F.I.R. the main allegation is against the named accused, Kasim.

5. Considering the overall facts and circumstances, the nature of allegations, the gravity of offence and without expressing any opinion on merits, this Court finds it to be a fit case for bail. Accordingly, the bail application stands allowed.

6. Let the applicant-Asif, be enlarged on bail in Case Crime No. 298 of 2025, under Sections 70(1), 123 of B.N.S., Police Station- Khekra, District- Baghpat, on executing a personal bond and furnishing two local sureties each in the like amount to the satisfaction of the court concerned with the following conditions:

- i) The applicant shall not tamper with the prosecution evidence.
- ii) The applicant shall not threaten or harass the prosecution witnesses.
- iii) The applicant shall appear on the date fixed by the trial court.
- iv) The applicant shall not commit any offence similar to the

offence of which the applicant is accused, or suspected of the commission.

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 such person from disclosing facts to the Court or to any police officer or tamper with the evidence.

7. In case of default of any of the conditions enumerated above, the court concerned shall be at liberty to cancel the bail of applicant in accordance with law.

February 13, 2026

Mustaqeem.

(Dr. Gautam Chowdhary,J.)