



2026:AHC:40302

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 5518 of 2026

Mahodar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Kamal Kishor Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant, Shri Chandan Singh, learned A.G.A. for the State and perused the material brought on record.
2. By means of the instant bail application, the applicant-Mahodar, seeks bail in Complaint Case No. 734 of 2025, under Section 64(1) of B.N.S., Police Station Shikandara, District Agra.
3. Learned counsel for the applicant submits that applicant is named in the F.I.R. In the F.I.R. the informant, who is the son of the victim, alleges that on 11.10.2025 the applicant had called his mother on mobile phone for providing her some work, when she reached at the place as told by the applicant the applicant served her intoxicated cold drink on account of which she became unconscious, thereafter, applicant committed her rape. In her statement recorded under Section 180 & 183 BNSS the victim has also made allegation of rape against the applicant. The victim has denied for her internal medical examination, whereas, no external injury was found on the person of the victim. Learned counsel further submits that as per the victim she is 60 years of age. The applicant is also 65 years of age. False and frivolous allegation has been made against him. In fact no such incident took place and the applicant is innocent and has falsely been implicated in the present case due to malafide intention and ulterior motive. He next submits that applicant is in jail since 19.11.2025, having no criminal history.
4. Per contra, learned A.G.A. has opposed the prayer for bail of applicant by contending that there is specific allegation of rape against the applicant in the F.I.R. as well as in the statements of the victim recorded under Sections 180 & 183 BNSS, therefore, the applicant does not deserve any indulgence.
5. A perusal of statements of the victim recorded under Sections 180 & 183 BNSS shows that victim has repeated the version of the F.I.R. by

making specific allegation of rape against the applicant, therefore, there is active participation of applicant in of offence.

6. Keeping in view submissions of learned counsel for the parties, gravity of offence, nature of allegations and all the attending facts and circumstances of the case and considering that the the victim in her statements recorded under Sections 180 & 183 BNSS has repeated the version of the F.I.R. making specific allegation of rape against the applicant, without expressing any opinion on the merits of the case, no case for bail is made out.

7. Accordingly, the bail application of applicant-Mahodar, is rejected.

(Dr. Gautam Chowdhary,J.)

February 23, 2026
Mustaqeem.