



2026:AHC:124286

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 17746 of 2026

Kushal Pratap Singh

.....Applicant(s)

Versus

State Of U.P.And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mohd. Arshad
Counsel for Opposite Party(s)	:	G.A.

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Mohd. Arshad, learned counsel for the applicant, Sri Himanshu Kumar, learned A.G.A. for the State. However, non appeared on behalf of the first informant despite service of notice on 21.05.2026 to the first informant by the police.

2. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No. 113 of 2026, under Sections 65(2), 351(3) BNS, Section 5(L)/6 the Protection of Children from Sexual Offences Act, 2012, Police Station- Ghandhi Park, District Aligarh.

3. Contention of learned counsel for the applicant is that the FIR was lodged after two months of the incident, wherein allegations have been made that the applicant had committed rape upon the victim though the victim in her statement recorded under Section 180 and 183 BNSS reiterated the story of rape upon her by the applicant for last two years and incident was reported to mother when mother doubted over the victim because of disturbance in menstruation cycle. Learned counsel for the applicant submitted that the applicant has been falsely implicated as victim herself refused to undergo the medical examination which could have determined the allegations of rape by the applicant. The applicant is a student and has no criminal history. It is lastly submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. The applicant has no criminal history and he is languishing in jail since 31.03.2026. In case, he is granted bail, he will not

misuse the liberty of bail and would cooperate in the trial proceedings.

4. On the other hand, learned A.G.A. for the State opposed the prayer for bail but could not dispute the aforesaid facts that delay in lodging the FIR as well as refusal of medical examination by the victim herself.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the fact that FIR was lodged after delay of about two months though the victim accepted that the applicant had committed the rape for last two years but she refused to undergo medical examination, which creates doubt over the prosecution story and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is allowed.

6. Let the applicant- **Kushal Pratap Singh** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

- i. 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.
- ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.
- iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

7. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

8. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

9. Verification of mobile number as well as Aadhaar Card of the applicant and sureties should also be conducted by the court concerned.

10. It is directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

11. Office is directed to send a copy of this order to the applicant through **Aligarh Jail Superintendent** via e-mail or e-prison portal and Trial Court via-e-mode within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No. 4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685** as well as **Pila Pahan @ Peela Pahan and others vs. State of Jharkhand and another in Writ Petition (Criminal) No. 169 of 2025 decided on 29.05.2026**.

12. Application, if any, stands disposed of.

(Arun Kumar Singh Deshwal,J.)

June 1, 2026

A.Kr.