



2026:AHC:23329

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 3647 of 2026

Ganga Sagar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Indresh Chandra, Surya Prakash
Vishwakarma

Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant, learned A.G.A for the State and perused the record.

2. Learned counsel for the applicant has contended that the allegation against the applicant is that on 25.09.2025, in the night at about 01:00 A.M. after breaking the window, he entered into the house of the informant and had committed rape with his daughter. Learned counsel for the applicant has contended that the incident is alleged to have taken place on 25.09.2025, whereas the F.I.R., has been lodged on 28.09.2025 without there being any plausible explanation of such delay. Learned counsel further argued that the victim in her statement recorded under Section 180 of B.N.S.S., has stated that she loves with the applicant and that physical relations were also established since last two years, however the victim has more or less repeated the version of F.I.R. in her statement recorded under Section 183 of B.N.S.S. Learned counsel next argued that the victim is major and that there are material contradictions in the her statements. It is thus contended that the applicant has been falsely implicated in the present case due to 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 applicant is languishing in jail since 29.09.2025.

4. Per contra, learned A.G.A. has 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. In case the applicant is released on bail he will again indulge in similar activities and will misuse the liberty of bail.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties, nature of evidence, and all attending facts and circumstances of the case, without expressing any opinion on merits of the case, this Court is of the view that the applicant has made out a case for bail. Hence the bail application is allowed.

6. Let applicant **Ganga Sagar** involved in Case Crime No.163 of 2025 under Sections 64(1), 331(4), 115(2) of B.N.S., Police Station Khesraha, District Siddharth Nagar, be released on bail on furnishing a personal bond and two local heavy sureties each of the like amount to the satisfaction of the court concerned subject to 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 an 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 breach of any of the above condition, the trial Court shall be at liberty to cancel the bail of the applicant in accordance with law.

(Dr. Gautam Chowdhary,J.)

February 3, 2026

S.Ali