



2026:AHC:23954

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 3815 of 2026

Amit

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Pankaj Sharma, Prashant Sharma
Counsel for Opposite Party(s) : G.A., Pratibha Vohra, Rajesh Bohra, Rohit Kumar Patel

Court No. - 65

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant, Ms. Pratibha Vohra, learned counsel for the informant, learned A.G.A for the State and peruse d the record.

2. Learned counsel for the applicant has contended that the incident is alleged to have taken place on 05.12.2025, whereas the F.I.R., has been lodged on 12.12.2025 without there being any plausible explanation of such delay. Learned counsel further argued that the victim is major and that she has stated in her statement recorded under Section 180 of B.N.S.S., that on 05.12.2025 at about 10-11 P.M, the applicant entered into her room and had forcibly committed rape. The question put by the Investigating officer that as to why the alarm was not raised, she has stated that he pressed her mouth in a quilt and as to why the door was not latched, she stated that she forgot to latch the same. The victim in her statement recorded under Section 183 of B.N.S.S., has stated that the applicant on the pistol point had committed rape with her. Learned counsel argued that there are material contradictions in the statements of the victim recorded under Sections 180 and 183 of B.N.S.S. 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 14.12.2024.

3. 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. In case the applicant is released on bail he will misuse the liberty of bail.

4. 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.

5. Let applicant **Amit** involved in Case Crime No.198 of 2025 under Section 64(1) B.N.S., Police Station Adampur, District Amroha, be released on bail on furnishing a personal bond and two heavy local 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.

6. 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.

February 4, 2026

S.Ali

(Dr. Gautam Chowdhary,J.)