



2026:AHC:125836

**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**CRIMINAL MISC. BAIL APPLICATION No. - 18798 of 2026**

Arjun

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite  
Party(s)

---

Counsel for Applicant(s) : Anand Prakash Dubey, Prashant Kumar Dubey  
Counsel for Opposite Party(s) : G.A.

---

**Court No. - 5**

**HON'BLE JITENDRA KUMAR SINHA, J.**

1. Supplement affidavit filed by the learned counsel for the applicant is taken on record. Sri Ashutosh Kumar Pandey, learned counsel has filed vakalatnama on behalf of the first informant which is also taken on record.
2. Heard Sri Anand Prakash Dubey, learned counsel for the applicant and Sri Surendra Singh, learned A.G.A. for the State and Sri Ashutosh Kumar Pandey, learned counsel for the first informant perused the record.
3. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 54 of 2026, under Sections 64(1), 137(2), 351(3) BNS and Section 3/4(1) POCSO Act, Police Station Binauli, District Baghpat, during the pendency of the trial.
4. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case though there is no incriminating material against him. It is submitted that as per the FIR the applicant is said to have committed rape on the victim (daughter of the first informant) aged about 15 years, however, it is submitted that there are material contradictions in the statement of the victim recorded under Sections 180 and 183 BNSS as the victim has named the applicant in her statement recorded under Section 180 BNSS whereas she has introduced two other co-accused Monu and Manoj in her statement recorded under Section 183 BNSS that they stood guard and it is stated by the victim that

video of the alleged incident has also been recorded and made it viral, however, during investigation no such video has been found. It is further submitted that charge-sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant has been languishing in jail since 2.3.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned counsel for the first informant and learned A.G.A. have vehemently opposed the prayer for bail but could not dispute the aforesaid facts, however, it is submitted that video of the alleged incident has been recorded by the co-accused Monu and Manoj and the said video has been sent to the FSL.

6. As per FIR, the applicant is said to have committed rape on the victim (daughter of the first informant) aged about 15 years, however, there appears to be some material contradictions in the statement of the victim recorded under Sections 180 and 183 BNSS and the victim in her statement recorded under Section 183 BNSS has introduced two other co-accused Monu and Manoj that they stood guard and it is stated by the victim that video of the alleged incident has also been recorded and made it viral, however, during investigation no such video has been found as per the records of the learned AGA. There is no internal injury on her person as per the medico-legal report and as per the report of the medical board for determination of age of the victim her age has been found 17-18 years. Chargesheet has already been submitted and the applicant has been languishing in jail since 2.3.2026.

7. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the 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.

**8.** Accordingly, the present application is **ALLOWED**.

**9.** Let the applicant- **Arjun** 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.

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

**11.** Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

**12.** It is further 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.

**13.** Office is directed to send a copy of this order to the applicant through **concerned Jail Superintendent** via e-mail or e-prison portal 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.

**(Jitendra Kumar Sinha,J.)**

**June 5, 2026**  
Abhishek