



2026:AHC:128625

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19872 of 2026

Ajay Chaudhary @ Mahendra

.....Applicant(s)

Versus

State Of U.P.And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Piyush Patel, Pradeep Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. As per the police report dated 06.06.2026, learned A.G.A. submits that notice regarding pendency of present bail application has been served upon first informant/opposite party no. 4. Despite service of notice, no one appears on behalf of first informant/opposite party no. 4 to contest the present bail application.
2. Heard learned counsel for the applicant and the learned A.G.A. for the State of U.P.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 135 of 2026 under Section 115(2), 64(1), 352, 351(3) B.N.S., 2023 and 3/4 of Protection of Children from Sexual Offences Act, 2012, Police Station-Kothibhar, District-Maharajganj.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is further submitted that the incident had taken place on 26.04.2026 whereas the FIR was lodged on 27.04.2026 at 16:04 hrs. No allegation of rape has been leveled in the FIR dated 27.04.2026. When the statement of the victim was recorded under Section 180 BNSS, no allegation of rape was leveled by the victim. As per the injury report of the victim, no external injury was found however, she made complain of pain on lower abdomen. Later when the victim was produced before the learned Magistrate for recording her statement under Section 183 BNSS on 28.04.2026, the victim alleged that she was subjected to rape by the applicant. It is further contended by learned counsel for the

applicant that the statement of the victim is afterthought and under pressure of her family. Had the incident of rape had taken place on 26.04.2026, it would be alleged in the FIR itself. The victim is not a truthful witness and her statement recorded under Section 183 BNSS cannot be believed. The story was subsequently improved by the victim in order to falsely implicate the applicant. The applicant has no criminal antecedents and he has been languishing in jail since 02.05.2026 and in case, he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

5. Per contra, learned A.G.A. has opposed the prayer for grant of bail to the applicant and submitted that there is ample evidence against the applicant regarding his involvement in the offence, therefore, he is not entitled to be released on bail.

6. I have considered the rival submissions of the parties and perused the record.

7. Having considered the rival submissions advanced by learned counsel for the parties, the nature of accusations, the evidence brought on record, the period of incarceration undergone by the applicant, the absence of any criminal antecedents and without expressing any opinion on the merits of the case, this Court finds that the applicant has made out a case for grant of bail.

8. Accordingly, the bail application is **allowed**.

9. Let the applicant- **Ajay Chaudhary @ Mahendra**, who is involved in the aforementioned case 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the Trial Court on each date fixed, either personally or through his counsel. In case of his absence,

without sufficient cause, the Trial Court may proceed against him under Section 229-A IPC/ 269 B.N.S.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C./ 84 B.N.S.S., may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the Trial Court shall initiate proceedings against him, in accordance with law, under Section 174-A IPC/ 209 B.N.S.

(iv) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C./ 351 of B.N.S.S. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

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

11. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Vivek Kumar Singh,J.)

June 22, 2026

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