



2026:AHC:128708

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 16558 of 2026

Sahbaj @ Monu Khan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Renu Vishwakarma, Saurabh Kumar
Counsel for Opposite Party(s) : G.A.

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Short counter affidavit alongwith Vakalatnama of Shri Shobhit Jaiswal on behalf of the informant-opposite party no.2 filed today, which is taken on record.
2. Heard learned counsel for the applicant, learned counsel for the opposite party no.2 and learned 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.606 of 2025, under Sections 64(1), 87, 115(2), 127(3) BNS, Police Station Mugalsarai, District Chandauli.
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 victim was a consenting party and as per her ossification test report, she was about 19 years of age. The victim refused to get herself medically examined, therefore, no injury was found on the body of the victim. It is further contended that the victim traveled with the applicant in a train and stayed in Sitapur for a period of two months. Thereafter, the relationship between the applicant and the victim turned sour and the false allegation of rape was levelled by the victim against the applicant. A short counter affidavit has been filed by the victim of the present case wherein she stated that she does not want to proceed further against the applicant in the aforesaid case. In paragraph no.5 of the short counter affidavit, it is submitted that a false first information report was lodged against the applicant. There is no criminal history of the applicant. Learned counsel for

applicant further submits that applicant has been languishing in jail since 06.04.2026 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. 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.

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

8. Let the applicant- Sahbaj alias Monu Khan, 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.

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

10. 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 23, 2026

Nitendra