



2026:AHC:128978

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 5588 of 2026

Anish Qureshi

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Sushil Kumar Pandey
Counsel for Respondent(s)	:	G.A.

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Sri Marjeet Mishra, Advocate filed his power on behalf of opposite party no. 2 which is taken on record.
2. Heard Sri Sushil Kumar Pandey, learned counsel for the appellant; Sri Marjeet Mishra, learned counsel for the opposite party no. 2 and Sri Vijay Bahadur Maurya, learned AGA for the State-respondent.
3. This criminal appeal under Section 14-A(2) Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, has been filed to set aside the order dated 19.3.2026, passed by the Special Judge SC/ST (P.A.) Act, Mathura in Bail Application No. 1002 of 2026 in Case Crime No. 4 of 2026 (Special Session Trial No. 339 of 2026), under sections 64(1), 70, 351(2) BNS and Section 3(2)(5) SC/ST Act, P.S. Refinery, District Mathura, seeking bail in the aforesaid sections.
4. Learned counsel for the appellant submitted that by way of instant appeal appellant challenged the order dated 19.3.2026 passed by the court concerned by which his bail application has been dismissed under the provisions of SC/ST Act.
5. He further submitted that however as per allegation applicant committed rape upon opposite party no. 2 but entire allegations made against him are totally false.
6. He further submitted that admittedly opposite party no. 2 is major lady and alleged rape was committed on 5.11.2025 but FIR of the present case was lodged on 3.1.2026 through an application u/s 173(4) BNSS dated 25.11.2026 and therefore FIR of the present case is highly delayed and this fact clearly suggests that entire allegation of rape made against the applicant is totally false.
7. He further submitted that victim i.e. opposite party no. 2 made allegation of rape only against the applicant in the FIR as well as in the statement recorded under section 180 BNSS but when her statement under section 183 BNSS was recorded then he introduced two other persons and tried to convert the case in gang rape and this fact

clearly suggests that opposite party no. 2 is unreliable witness and no reliance can be placed on her.

8. He further submitted that even the story narrated by the victim is highly improbable and no reliance can be placed on such version.

9. He further submitted that appellant is having no criminal history to his credit and he is in jail in the present matter since 20.2.2026.

10. He further submitted that there is no cogent and admissible evidence against the appellant on record which can connect him with the instant crime but in spite of that court concerned rejected the bail application of the appellant and therefore, committed gross illegality and therefore, order passed by the court concerned dated 19.3.2026 is liable to be set aside and appellant should be enlarged on bail.

11. Per contra, learned AGA as well as learned counsel for the informant, however, opposed the prayer for bail and submitted that there is serious allegation of rape against the appellant but could not dispute the fact that opposite party no. 2 is major lady and FIR of the present case was lodged after several months through an application u/s 173(4) BNSS and even application u/s 173(4) BNSS was moved after twenty days.

12. They further could not dispute the fact that appellant is having no criminal history to his credit and he is in jail in the present matter since 20.2.2026.

13. I have heard learned counsel for the parties and perused the record of the case.

14. Instant appeal has been filed by the appellant against the impugned order dated 19.3.2026 by which his bail application has been dismissed by the court concerned.

15. Record suggests that however opposite party no. 2 belonged to scheduled castes community and she made serious allegation of rape against the applicant but FIR of the present case was lodged after several months through an application u/s 173(4) BNSS and even application u/s 173(4) BNSS was moved after twenty days and therefore, FIR of the present case is highly delayed one.

16. Further, there are material contradictions in the story narrated by the victim i.e. opposite party no. 2 in the FIR/in her statement recorded under section 180 BNSS and in the statement recorded under section 183 BNSS and considering the totality of the facts and circumstances of the case, the prosecution case prima facie appears to be doubtful.

17. Further, appellant is having no criminal history to his credit and he is in jail in the present matter since 20.2.2026.

18. Therefore, considering the facts and circumstances of the case, discussed above, in

considered view of this Court, court concerned wrongly dismissed the bail application of the appellant as it failed to properly appreciate the facts of the case, therefore, the impugned order dated 19.3.2026 passed by the court concerned is illegal and is liable to be set aside.

19. Accordingly, the instant appeal stands **allowed**. The impugned order dated 19.3.2026 is hereby **set aside** and without expressing any opinion on the merit of the case, appellant is directed to be released on bail in the instant matter.

20. Let appellant-**Anish Qureshi**, be released on bail in the aforesaid case, on his furnishing a personal bond and two reliable sureties of the like amount to the satisfaction of the court concerned with the following conditions:

(i). The appellant will not tamper with the evidence during the trial.

(ii). The appellant will not pressurize/ intimidate the prosecution witness.

(iii). The appellant will appear before the trial court on the date fixed, unless personal presence is exempted.

(iv). The appellant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(v). The appellant 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.

21. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

June 24, 2026
Ankita

(Sameer Jain,J.)