



2026:AHC:128663

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 18930 of 2026

Pawan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Akash Singh, Ram Krishna Dubey,
Shivam Singh
Counsel for Opposite Party(s) : Amod Pandey, G.A., Shyam Shankar
Shukla, Sushil Kumar

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Supplementary affidavit filed today is taken on record.
2. Heard learned counsel for the applicant and the learned A.G.A. for the State of U.P.
3. None appears on behalf of the first informant even in the revised call.
4. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.229 of 2026, under Sections 64(1), 304(2), 351(3) of Bharatiya Nyaya Sanhita, 2023, Police Station- Jait, District- Mathura.
5. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated in the present case. It is further contended that the alleged incident is stated to have occurred between 16.03.2026 and 17.03.2026, whereas the FIR was lodged on 26.03.2026. The delay of about 9–10 days has not been properly explained by the prosecution. It is further contended that the FIR was lodged after due consultation and deliberation. The statements made by the victim during the investigation and before the Magistrate do not inspire confidence in the prosecution case. The victim is a major and mature lady, aged about 27 years. In her statement recorded under Section 180 BNSS, she stated that she received a WhatsApp call from the applicant, who called her to District Mathura. She left her house situated in District Palwal, Haryana, and travelled to Mathura, where she met the applicant. Thereafter, both of them went to a

hotel, where the rape was committed upon her. It is further contended that the applicant has been falsely implicated on account of a money dispute between the applicant and the victim. The victim did not sustain any injury in the alleged incident. The criminal history of 13 cases of the applicant has been well explained in paragraph no.2 of the supplementary affidavit. It is further contended that the applicant has been languishing in jail since 08.04.2026 and in case, he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

6. 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.

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, explanation of 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- **Pawan**, 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

Radhika