



2026:AHC:126670

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19393 of 2026

Tasleem

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Rajesh Kumar, Saurabh Kumar Pandey
Counsel for Opposite Party(s) : G.A.

Court No. - 5

HON'BLE SANJIV KUMAR, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State and also perused the material placed on record.
2. The present bail application has been filed on behalf of the applicant in Case Crime/FIR No.12 of 2026, under Sections 70 (1), 115 (2) and 351 (3) BNS, Police Station-Kampil, District-Farrukhabad, with the prayer to enlarge him on bail.
3. Learned counsel for the applicant submitted that the applicant is an innocent person and has been falsely implicated in the present case. He further submitted that the applicant has no previous criminal history and in jail since 21.01.2026. He further submitted that the applicant has not committed any offence. As per the FIR, the applicant and other named co-accused persons committed gang rape upon the victim. However, in her statement recorded under Section 183 BNSS, the victim has not disclosed the names of the applicant or other co-accused persons and has merely stated that five persons committed gang rape upon her, whose identities are not known to her. He next submitted that no Test Identification Parade (TIP) was conducted by the Investigating Officer. He further submitted that similarly situated co-accused persons, namely, Khursheed and Zarsheed, have already been granted bail by a Coordinate Bench of this Court vide orders dated 27.04.2026 and 13.05.2026 passed in Criminal Misc. Bail Application Nos. 13872 of 2026 and 16209 of 2026, respectively. In these circumstances, the applicant is also entitled to be

enlarged on bail on the ground of parity. In case he is enlarged on bail, he shall not misuse the liberty of bail and shall cooperate with the trial proceedings.

4. Learned A.G.A. has opposed the prayer for grant of bail to the applicant but has fairly conceded that similarly situated co-accused, namely, Khursheed and Zarsheed have already been granted bail.

5. Considering the rival submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of FIR, other relevant documents and keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment and without expressing any opinion on the merits and demerits of the case, I am of the considered view that applicant has made a case for bail. The bail application is **allowed** on the ground of parity.

6. Let the applicant-**Tasleem**, who is involved in 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.

(i) The applicant shall not commit or participate in any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(ii) 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.

(iii) 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.

(iv) 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 (corresponding Section 269 BNS).

(v) 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., 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 (corresponding Section 209 BNS).

(vi) 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. (corresponding Section 351 BNSS). 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.

7. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail by the Trial Court.

(Sanjiv Kumar,J.)

June 10, 2026

Amit