



2026:AHC:129655

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 21881 of 2026

Rahul

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anil Kumar, Mukesh Joshi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 182 of 2024, under Sections 137(2), 87, 64(1) of the BNS, Section 5j(2)/6 of the Protection of Children from Sexual Offences Act and Section 3(2)(5) of SC/ST Act, Police Station- Kadaura, District- Jalaun, during the pendency of the trial.

3. Learned counsel for the applicant contends that the applicant has been falsely implicated in the present case. The applicant is in jail since 12.03.2025. The applicant never abducted the victim nor has he committed rape on her. The victim has been examined before the trial Court as PW-2 and in her cross-examination, she has denied the prosecution version. The applicant further submits that even in her examination-in-chief and in her statement during investigation, she claims to have married the applicant and had been living with him as his wife. The learned counsel for the applicant contends that the applicant and the victim have become victims of caste differences and this case has been falsely lodged against the applicant. The applicant has no criminal history.

4. Learned A.G.A. has opposed the prayer for bail and has contended that the victim is a minor and the consent of a minor is immaterial. The learned A.G.A. however could not point out any criminal antecedents of the applicant.

5. I have considered the submissions made by the learned counsel for the parties.

6. The learned A.G.A. has stated that the notice has been served on 23.06.2026 on the informant. However, no one has appeared when the case was called on today.

7. From the perusal of the record, prima facie it appears that the victim and the applicant were in a romantic relationship. Even in her statement recorded before the trial Court, the victim claims to have married the applicant in a temple. The victim, in her cross-examination before the trial Court, claims to have been aged about 18 years at the time of incident. She has denied marrying the applicant and claims that she had given the statement in Court on the instructions of her parents and police personnel. She also stated that she was not raped by the applicant.

8. Once the statement of the victim has been recorded before the trial Court while the applicant was in jail, there is no likelihood of the applicant tampering with the evidence or intimidating witnesses. Even otherwise, the victim appears to have resiled from her examination-in-chief in her cross examination. The applicant has no criminal antecedents and is in jail since the past more than one year.

9. Taking into account the entire facts and circumstances of the case, a prima facie case for bail is made out.

10. The bail application is allowed.

11. Let the applicant - **Rahul**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two reliable sureties each in the like amount, to the satisfaction of the Court concerned, subject to the following conditions:

i. The applicant will not tamper with the evidence.

ii. The applicant will not indulge in any criminal activity.

iii. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.

iv. The applicant will appear regularly on each and every date fixed by the

trial Court, unless his personal appearance is exempted by the Court concerned.

12. In the event of breach of any of the aforesaid conditions, the trial Court will be at liberty to proceed to cancel his/her bail.

13. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

14. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

15. The observations made hereinabove are exclusively for deciding the instant bail application and shall not be construed as an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

June 30, 2026
Kushal