



2026:AHC:129652

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 21883 of 2026

Krishna

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Upendra Kumar Pushkar
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.761 of 2025, under Sections 69 BNS, Police Station Iglas, District Aligarh.
3. Learned counsel for the applicant states that the applicant has been falsely implicated in the present case, which has been lodged after about four months of the occurrence. The FIR invoked Sections 70(1), 127(2), 351(3), 115(2), and 140(1) of the Bharatiya Nyaya Sanhita (BNS). He contends that during investigation the names of other accused were taken out of the investigation and a chargesheet has been submitted only under Section 69 BNS. It is further submitted that the victim, in her statement recorded under Section 183 BNSS, alleged that after being turned out of her matrimonial home by her husband, the applicant and other accused persons took her to a hotel at Vrindavan and committed rape upon her. However, the said story has been found to be false. In the statement of the husband of the victim recorded under Section 180 BNSS, he states that the applicant and the victim used to talk on phone with each other and the applicant had taken the victim and his son Dev to Mathura. The husband of the victim claims to have lodged a missing persons report on 05.08.2025 at P.S. Chhawla, District Dwarka, New Delhi. Learned counsel for the applicant contends that the statement of the victim is at

odds with the statement of her husband. He further contends that even otherwise the version brought forth in the statement under Section 183 BNSS was not substantiated during investigation. The applicant has no criminal antecedents.

4. Learned AGA has opposed the prayer for bail, however, does not dispute the fact that the applicant has no criminal antecedents.

5. I have considered the submissions made by Learned counsels for the parties.

6. The applicant is in jail since 27.01.2026. The prosecution version prima facie appears to be fraught with inconsistencies. The FIR has been lodged with a delay. The initial version of the FIR was not substantiated during investigation and a chargesheet has been filed only under Section 69 BNS. The victim is a married woman and is not said to have been divorced by her husband.

7. Taking into consideration the facts and circumstances of the case, I find it appropriate to enlarge the applicant on bail.

8. The bail application is ***allowed***.

9. Let the accused-applicant, **Krishna**, involved in above mentioned case crime number be released on bail, on his executing 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.

10. In the event of breach of any of the aforesaid conditions, the court

concerned will be at liberty to proceed to cancel his bail.

11. 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.

12. 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.

13. The observations made hereinabove are exclusively for deciding the instant bail application and are not to be considered to be an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

June 30, 2026

A. Pandey