



2026:AHC:129715

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 21920 of 2026

Vishal

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ashutosh Kumar Mishra, Raj Babu Pathak
Counsel for Opposite Party(s) : G.A.

Court No. - 69

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard the Learned counsels for the applicant, the 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.128 of 2026, under Section 69 BNS, Police Station- Gandhi Park, District- Aligarh.
3. The Learned counsels for applicant submit that the applicant has been falsely implicated in the present case. The first information report has been lodged with a delay of four days the alleged offence under Section 87 of BNS. Later on, during investigation, the offence was converted to Section 69 BNS and the charge sheet has been filed under Section 69 BNS. There is serious contradiction in the statement of the victim recorded under Section 180 and 183 BNSS.
4. The Learned A.G.A., on the other hand, has opposed the prayer for grant of bail and has contended that the applicant is the primary accused in the present case. He also has a criminal history of one case. The Learned A.G.A., however, could not dispute the fact that in the previous case registered against the applicant, he is on bail.
5. I have considered the submissions made by the Learned counsels for the parties and perused the record.
6. A perusal of the statements under Section 180 and 183 BNSS, shows

several contradictions in the statement of the victim. In her statement under Section 180 BNSS, she has not made any allegation of sexual assault. She has also denied establishing physical relation. From her statement under Section 183 BNSS, it appears that the victim and the applicant were in long standing relationship spanning four years. In the prima facie opinion of this Court, a long standing relationship cannot be considered to be on the basis of false promise of marriage. The applicant is not a previous convict. The applicant is in jail since 6.5.2026. A charge-sheet has also been filed and the applicant is no longer required for any custodial interrogation. The trial against the applicant is not likely to conclude in the near future.

7. Taking into account all the facts and circumstances of the case, *prima facie* a case for bail is made out.

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

9. Let the accused-applicant- **Vishal** 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 their personal appearance is exempted by the court concerned.

10. In the event of breach of any of the aforesaid conditions, the trial Court will be at liberty to proceed to cancel their 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

Krishna*