



2026:AHC:129181

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 18363 of 2026

Tasleem

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Faizur Rahman, Phoolbadan Yadav
Counsel for Opposite Party(s) : G.A.

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Based on police report, learned A.G.A. states that notice has been served on first informant. Despite service of notice, none has appeared on behalf of first informant.

2. Heard learned counsel for the applicant and the learned A.G.A. for the State of U.P.

3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 79 of 2026 under Sections 137(2), 64(1), 351(2), 115(2), 333 of B.N.S. and Section 3/4 of POCSO Act, Police Station- Hasanpur, District- Amroha.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The victim claimed herself to be a minor girl, but she was found to be a major girl as per the ossification test report. It was opined by the Chief Medical Officer, Amroha, that the victim was between 17 to 18 years of age at the time of her medical examination. It is further submitted that the victim was a consenting party and she was in a consensual relationship with the applicant. It is admitted by the victim that she alleged for the first time that rape had taken place on her when her father caught her with the applicant. It is next contended that the victim levelled false allegation that she was subjected to rape by the applicant 15-16 days ago, but the matter was not reported by her to anybody which goes to show that she was a consenting party. It is also alleged that no hue and cry was raised by the victim at the time of alleged incident. It is also

contended that the victim did not sustain any injury on her body and as per her version, the applicant was not armed with any deadly weapon. In resistance, she ought to have received injuries on her body. The absence of injury on the body of the victim completely falsifies the prosecution case. The criminal history of the applicant has been well explained in supplementary affidavit. Learned counsel for applicant further submits that applicant has been languishing in jail since 24.02.2026 and in case, he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

4. 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.

5. 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.

6. Accordingly, the bail application is **allowed**.

7. Let the applicant- **Tasleem**, 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.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

9. 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 25, 2026

A.P. Pandey