



2025:JHC-1 K03:29476

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 12670 of 2025

Raja

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Zeeshan Alvi, Himanshu Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 15

HON'BLE KARUNESH SINGH PAWAR, J.

Heard learned counsel for the applicant, learned AGA for the State and perused the record.

Submission of learned counsel for the applicant is that the allegation of gang rape is specifically attributed to co-accused Khurshid Alam @ Sani, co-accused Shafi, and Oloo, whereas only general allegations have been levelled against the present applicant. With regard to the offence under Section 3(5)(1) of the U.P. PUCRA, it is submitted that co-accused Khurshid Alam @ Sani, who has been assigned the principal role in the prosecution case, has already been granted bail by a Coordinate Bench of this Court vide order dated 24.07.2025 passed in Criminal Misc. Bail Application No. 6537 of 2025.

It is further contended that the case of the applicant stands on a better footing than that of the aforesaid co-accused. Learned counsel, therefore, seeks parity with the bail order granted to co-accused Khurshid Alam @ Sani. It is also submitted that the applicant is in judicial custody since 26.10.2025 and has no criminal antecedents.

It is further submitted that there is no possibility of the applicant of fleeing away after being released from jail or tampering with the witnesses. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail.

Learned AGA has opposed the bail application.

Considering the bail order granted to co-accused Khurshid Alam @ Sani, the role attributed to the applicant in the prosecution case, the statements of the victim recorded under Sections 180 and 183 of the BNSS, and further taking into account that the applicant is in custody since 26.10.2025 without any criminal antecedents, this Court finds it to be a fit case for enlarging the applicant on bail.

Accordingly, the bail application is allowed.

Let the applicant **Raja**, involved in Crime No. 98/2025 U/S: 351(3), 318(2) of B.N.S, section 3,5(1) of UP PUCRA, be released on bail in the aforementioned case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial Court.

Any other condition(s) which the trial court/concerned court may deem fit and proper, in the circumstances of the case, may also be imposed.

It is clarified that the observations made in this order are confined to the present bail application and shall have no bearing on the merits of the trial.

(Karunesh Singh Pawar,J.)

December 16, 2025
R.C.