2026:AHC:192198

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 10227 of 2026

Subedar Saroj

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Ajeet Kumar, Satya Dheer Singh Jadaun

Counsel for Opposite Party(s) : G.A.

Court No. - 75

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Supplementary affidavit filed on behalf of the applicant today in the Court, is taken on record.

2. List revised. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the entire material available on record.

3. This is the second bail application filed by the applicant. First bail application was rejected by this Court vide order dated 27.10.2025 passed in Criminal Misc. Bail Application No.35183 of 2022.

4. The applicant **Subedar Saroj** has filed this second bail application with a prayer to enlarge him on bail in Crime No.172 of 2025, under Sections 70(1), 351(2) of BNS, Police Station Sarai Akil, District Kaushambi, during the pendency of the trial.

5. Learned counsel for the applicant contends that the applicant has been falsely implicated in the instant case. Learned counsel for the applicant has contended that though the victim in her statement recorded under Section 183 of B.N.S.s. has levelled allegation of rape against the accused, however the applicant was not named. He further submits that during the course of trial, the statement of the victim has been recorded wherein she became innocent and has stated that she does know the meaning of rape, school etc. It is further contended that perusal of the statement of the victim recorded before the trial Court goes to show that there is no allegation of rape. It is thus contended that there are material

contradiction in the statements of the victim recorded under Section 183 of BNS as well as statement recorded before the trial Court. It is further submitted that there is no occasion now for the applicant to tamper with any witness, since the victim's statement has already been recorded or to flee from judicial process. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have also been placed before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been mentioned. It has also been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required and is also ready to accept all the conditions which the Court may deem fit to impose upon him. Learned counsel has lastly argued that the applicant is languishing in jail since 12.07.2025.

6. Per contra, learned A.G.A. has opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence. In case the applicant is released on bail he will again indulge in similar activities and will misuse the liberty of bail.

7. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties, nature of evidence, and all attending facts and circumstances of the case, without expressing any opinion on merits of the case, this Court is of the view that the applicant has made out a case for bail. Hence the bail application is allowed.

8. Let applicant **Subedar Saroj** involved in aforesaid case crime be released on bail on furnishing a personal bond and two local sureties each of the like amount to the satisfaction of the court concerned subject to the following conditions:-

i) The applicant shall not tamper with the prosecution evidence.

ii) The applicant shall not threaten or harass the prosecution witnesses.

iii) The applicant shall appear on the date fixed by the trial court.

iv) The applicant shall not commit an offence similar to the offence of which the applicant is accused, or suspected of the commission.

v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing facts to the Court or to any police officer or tamper with the evidence.

9. In case of breach of any of the above condition, the trial Court shall be at liberty to cancel the bail of the applicant in accordance with law.

(Dr. Gautam Chowdhary,J.)

September 14, 2026
S.Ali

Digitally signed by :-
SHAUKAT ALI
High Court of Judicature at Allahabad