



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 11703 of 2026

Jai Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ankit Pandey, Deepak Gaur
Counsel for Opposite Party(s)	:	Atul Sharma, G.A.

And

CRIMINAL MISC. BAIL APPLICATION No. - 8614 of 2026

Jai Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Deepak Gaur, Ramesh Chandra Kushwaha, Sanjeev Kumar, Syed Mohammad Abbas Abdy
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

(Sr. No.42 out of 205)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Deepak Gaur, Sri Ramesh Chandra Kushwaha, learned counsels for the applicant, Sri Arun Kumar Mishra, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.0132 of 2025, under Sections 70(2), 65(1), 76, 352, 351(3) BNS, 2023, Sections 5L/6 POCSO Act and Sections 3(1)(r), 3(1)(s), 3(2)(v) and 3(2)(va) of SC/ST Act, 1989, Police Station Basrehar, District Etawah, during the pendency of trial.
4. As per prosecution story, the applicant and co-accused Rahul Kumar are

stated to have gang-raped the victim, video-recorded the said act, and kept on blackmailing her to establish corporeal relationship with her up to 04.11.2025.

5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR was delayed by about 2 months, and there is no explanation for the said delay. Even the application to the SSP, in compliance with the provisions of Section 173(4) BNSS, was given after a delay of about 20 days, i.e., on 24.11.2025. There is no medical corroboration of the incident. There is no recovery of any video whatsoever.

6. Learned counsel for the applicant has further argued that the victim's statement recorded under Section 183 BNSS indicates that the applicant outraged her modesty by forcing her into the mustard field and claiming that 2 years back, the applicant had raped her and co-accused Rahul Kumar had video-recorded the said act. The said allegations have been made as an afterthought. The applicant has no criminal history and is in jail since 03.02.2026. He undertakes to cooperate with the trial and not misuse the liberty of bail.

7. Learned State Law Officer has vehemently opposed the bail application but could not dispute the submissions made by the counsel for the applicant.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay in the institution of the FIR, the absence of any medical corroboration of the incident and that there is no recovery of any indecent video of the victim, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

9. Let the applicant- **Jai Kumar**, be released on bail on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

10. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

May 5, 2026
(Ravi Kant)