



2026:AHC:102173

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 15175 of 2026

Saddam Hussain

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Richesh Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65
(Sl. No.37 out of 205)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. As informed by learned State Law Officer, notice to the informant has been served on 19.4.2026.

2. Heard Sri Richesh Mishra, learned counsel for the applicant as well as Sri J.K. Chaurasia, learned State Law Officer and perused the material placed on record.

3. Applicant seeks bail in Case Crime No. 13 of 2026, under Sections 70(2) BNS, 5(G)/6 POCSO Act and 3(2)5 S.C./S.T. Act, Police Station Kolhui, District Magarajganj, during the pendency of trial.

ARGUMENTS ON BEHALF OF APPLICANT:

4. The applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is anti-time, which is indicative from the fact that the chalani report u/s 170, 126 and 135 BNSS dated 10.2.2026 indicates that applicant and co-accused person were on the verge of assaulting the informant, as he had instituted the said FIR. The said investigating officer had released the applicant from his custody on 12.2.2026. Had the said FIR been existing at the said relevant point of time, he would have been arrested in the instant case as well, as such, it is a clear-cut case of false implication. The said chalani report has been filed as Annexure-8 to the affidavit.

5. Even otherwise, the FIR is delayed by one day and the allegations were regarding outraging of modesty only but the same have been escalated to

that of rape in the statement of the victim recorded u/s 183 BNSS as an afterthought. There is no medical corroboration of the incident.

6. There is no criminal history of the applicant. The applicant is languishing in jail since 2.3.2026 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

ARGUMENTS ON BEHALF OF STATE/INFORMANT:

7. Learned A.G.A. has opposed the bail application but could not dispute the submissions made by the counsel for the applicant.

CONCLUSION:

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 fact that applicant has been apprehended by the police u/s 170, 126 and 135 BNSS at the same police station and even the allegations being only of outraging of modesty of the victim and the FIR being delayed by one day and without expressing any opinion on the merits of the case, 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- **Saddam Hussain**, who is involved in 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 verification of sureties, with the condition that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

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

11. 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.

(Krishan Pahal,J.)

May 5, 2026Shalini