



2026:0001:1021064

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 15154 of 2026

Ashish Alias Vijay

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Bharat Singh, Sunita Kaushik
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65
(Sl. No. 33 out of 205)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. As informed by learned A.G.A. notice to the informant has been served on 21.4.2026.
2. Heard Sri Bharat Singh, learned counsel for the applicant, Sri Umesh Chandra Kushwaha and Sri Rahul Kumar, learned counsels for the informant as well as Sri V.K.S. Parmar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 1258 of 2025, under Sections 64(2)(F) BNS and 4(2) POCSO Act, Police Station Quarsi, District Aligarh, during the pendency of trial.

PROSECUTION STORY:

4. The applicant is stated to be the so called brother of the informant. The informant was ill as she was being treated for a gall bladder stone and was admitted in Pandit Deen Dayal Hospital, Aligarh and she was discharged from the Hospital after a period of about one month. The applicant is stated to have taken advantage of her absence from the house and committed rape with her minor daughter on 22.5.2025 at about 6.00 pm.

ARGUMENTS ON BEHALF OF APPLICANT:

5. The applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by about seven months and there is no explanation of the said delay caused.

6. The informant has stated that victim had told her about the incident on 17.6.2025, which itself is delayed by about one month from the date of incident and the FIR itself is further delayed by about six months from the said date of narration of the incident to the FIR.

7. The informant has given a false explanation of the said delay caused in the FIR, whereby she has stated that she was recovering from the operation and was ill, as such, was not in a condition to move out. The said fact stands falsified from the order sheet of the case regarding marital dispute between the informant and her husband, which is pending before the A.C.J.M.-II, Aligarh and the victim had attended the said trial on 21.7.2025, 15.9.2025 and 6.11.2025, which is the intervening period between the incident and the institution of the FIR. The said order sheet has been filed as Annexure-9 to the affidavit filed with the bail application. Thus, the delay in the FIR goes unexplained.

8. The applicant is a clerk in the civil court before an advocate practicing there and the victim is working with a stamp vendor. Both were working in the same court premises and had cordial relations with each other and applicant had borrowed Rs. 60,000/- from the informant in two transactions and the dispute arose as applicant was unable to pay back the said loan to the informant.

9. There is no medical corroboration of the incident. It is true that victim is 13 years old but it is a clear-cut case of false implication.

10. There is no criminal history of the applicant. The applicant is languishing in jail since 6.1.2026 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:

11. The applicant has not appended the complete statement of the witnesses. There are statements of seven witnesses, who have stated that they had seen the applicant at the time of occurrence and they had heard the shrieks of the victim.

12. Learned counsel for the informant has sought adjournment at several occasions during the argument and stated that he wants to file counter

affidavit to the averments made by the counsel for the applicant

ARGUMENTS ON BEHALF OF APPLICANT (IN REBUTTAL):

13. The said statements of the witnesses have been recorded on 5.2.2026, which is further delayed by about one month and twelve days from the FIR. They did not report the matter to anyone for eight months, which indicates they are interested witnesses roped in later on.

CONCLUSION:

14. 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 of about seven months in institution of FIR from the date of the incident; delay of six months from the date the victim narrated the story to the informant; the fact that the informant and the applicant both are well acquainted with the court proceedings and both of them were working within the civil court premises. In addition to it, the order sheet of the Court concerned indicates the participation of informant in the proceedings during the intervening period 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**.

15. Let the applicant- **Ashish Alias Vijay**, 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.

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

17. 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, 2026
Shalini