



2026:0000:105197

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 13927 of 2026

Amar Gupta @ Raghu

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Krishna Dutt Awasthi

Counsel for Opposite Party(s) : Chandra Pal, G.A., Pande Priti
Premshankar, Rajesh Kumar, Udayveer
Singh

Court No. - 65

(Sl. No. 76 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Krishna Dutt Awasthi, learned counsel for the applicant, Sri K.K. Singh, learned Advocate holding brief for Sri Rajesh Kumar, learned counsel for the informant as well as Ms. Ifrah Islam, learned State Law Officer and perused the material placed on record.

3. Applicant seeks bail in Case Crime No. 09 of 2026, under Sections 137(2), 87, 65(1), 115(2), 351(2), 78(2) BNS and 3/4(2) POCSO Act and 3(1)२, 3(1)५ and 3(2)(V) SC/ST Act, Police Station Phafund, District Auraiya, during the pendency of trial.

PROSECUTION STORY:

4. The applicant is stated to have enticed away the minor daughter of the informant aged about 15 years when she had gone for her coaching on 7.1.2026 at 8.00 am.

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 more than one day and there is no

explanation of the said delay caused.

6. The victim is a consenting party as is evident from her statement recorded under Section 183 B.N.S.S., whereby she was forced into the said car. She did not raise any alarm during the said sojourn in the said car from her native place, Auraiya to Agra. Her statement that she and the applicant stayed in the house of his friend, where there were all the family members and thereafter the applicant is stated to have taken her at a rented room and committed rape with her also indicates her consent as she did not raise any alarm during the stay at two places.

7. The statement of one Arjun, who happens to be the driver of the said taxi which was taken on rent by the applicant and he has categorically stated that applicant and victim had rented his car and that the victim was not abducted by the applicant

8. Learned counsel for the applicant has further stated that there is no criminal history of the applicant. The applicant is languishing in jail since 31.1.2026 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:

9. The victim was minor. As per school certificate, her date of birth is 10.10.2011, as such, her age comes out to be 14 years, 2 months and 27 days from the date of occurrence and her consent pales into insignificance owing to her age. The applicant is a criminal and had threatened the victim to put her family to death. Seeing the said danger, the victim could not raise any alarm during the sojourn and stay.

CONCLUSION:

10. 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 FIR; the statement of the taxi driver and the statement of the victim recorded u/s 183 BNSS, whereby she seems to be consenting party 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**.

11. Let the applicant-**Amar Gupta @ Raghu**, 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.

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

13. 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 6, 2026
Shalini