



2026:000:105118

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 14249 of 2026

Aman

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Saurabh Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

(Sl. No. 35 out of 265)

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 23.4.2026.

2. Heard Sri Saurabh Yadav, 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. 360 of 2025, under Sections 87, 70(2), 127(2) BNS, 5G/6 POCSO Act, Police Station Sahaswan, District Budaun, 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 allegations against the applicant are of having helped the co-accused person in enticing away the victim. As per FIR, the victim is stated to have taken away Rs.1 lakh and ornaments from her house.

5. The victim is a consenting party as far as the co-accused person Shahwaz @ Shavez is concerned. The statement of the victim was recorded by the investigating officer under Section 180 B.N.S.S. and she has stated that she had gone with the co-accused person Shahwaz @ Shavez out of her own sweet will but she has categorically denied having taken any ornaments or money from her house and the name of the applicant was found missing in the said statement.

6. Subsequently, in the statement of the victim recorded u/s 183 BNSS, she has nominated the applicant and co-accused persons to have gang raped her. The said allegations have been made as an afterthought. There is no medical corroboration of the incident.

7. The main accused person Shahwaz @ Shavez has already been granted bail by a co-ordinate Bench of this Court vide order dated 22.1.2026 passed in Criminal Misc. Bail Application No.803 of 2026. The case of the applicant is at better footing to the said co-accused person, who happens to be the main accused person. The police had exonerated the applicant but the trial court took cognizance against the applicant as well, as such, he was summoned by it.

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 30.4.2026 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. It is an offence of gang rape and the applicant has been nominated in the said offence in the statement of the victim recorded u/s 183 BNSS, as such, the applicant is not entitled for bail.

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 fact that applicant was not nominated in the charge sheet and even his name was missing in the statement of the victim recorded u/s 180 BNSS and his name has been added during her statement recorded u/s 183 BNSS only and the main accused person has already been enlarged on bail 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- **Aman**, 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 7, 2026

Shalini