



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 15388 of 2026

Arun

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Rajesh Dwivedi, Shailendra Kumar Mishra
Counsel for Opposite Party(s) : G.A.

Court No. - 65
(Sl. No. 59 out of 259)

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 23.4.2026.
2. Heard Sri Rajesh Dwivedi, learned counsel for the applicant as well as Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 652 of 2025, under Sections 65(2), 137(2) BNS and 5(1)(m)/6 POCSO Act, Police Station Dadri, District Gautam Buddha Nagar, during the pendency of trial.

PROSECUTION STORY:

4. The applicant is stated to have forcibly taken the victim to a secluded place in an under-constructed house and committed rape with her in the intervening period of 26/27.11.2025 and dropped her near her house on 27.11.2025.

ARGUMENTS ON BEHALF OF APPLICANT:

5. The applicant is absolutely innocent and has been falsely implicated in the present case. The allegations are *per se* false. The FIR is delayed by three days and there is no explanation of the said delay caused.
6. There is no documentary evidence to suggest that the victim was minor,

although she is stated to be 12 years old. It is a clear-cut case of false implication as there is no medical corroboration of the incident.

7. There is no criminal history of the applicant. The applicant is languishing in jail since 1.12.2025 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:

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

CONCLUSION:

9. 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; there being no medical corroboration of the incident coupled by the fact that the victim has given vacillating statements at different stages 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**.

10. Let the applicant- **Arun**, 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.

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

12. 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