



2026:000:112217

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 16450 of 2026

Gaurav

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Kamal Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

(Sl. No. 28 out of 269)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Kamal Singh, learned counsel for the applicant and Sri V.K.S. Parmar, learned A.G.A. for the State and perused the record.
3. This bail application has been filed on behalf of the applicant seeking bail in **Case Crime No. 116 of 2025, under Sections 70(1), 87, 127(2), 351(3), 333, 352, 142 of BNS, Police Station- Churki, District - Jalaun**, during the pendency of trial.
4. Learned counsel for the applicant has submitted that the applicant is innocent and has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR. The victim is the consenting party as far as the applicant is concerned.
5. Learned counsel has also pointed out that the victim, in her statement recorded under Section 180 BNSS, has categorically stated that she was disrobed by the applicant and that gang rape was committed upon her by the applicant and co-accused Sachin. It is, however, contended that what was essentially a consensual relationship has been given the colour of gang rape at the instance of the victim, and that the only alleged fault of the applicant is that he had gone to Gujarat.
6. Learned counsel has further contended that the applicant is languishing

in jail since 14.01.2026, having no criminal history to his credit. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

7. Per contra, learned AGA has vehemently opposed the bail application on the ground that the victim was raped by the applicant, who is a resident of the same village, and that, out of shame and in order to save her from familial and societal stigma, the informant initially refrained from lodging the FIR and instead solemnised the victim's marriage elsewhere. It is alleged that, even thereafter, the applicant along with co-accused Sachin committed gang rape upon her. It is further urged that, even if there was any prior consensual relationship with the applicant, he invited his friend Sachin to join him, and both of them committed rape upon her, and the victim cannot, in law, be treated as a consenting party for two persons at the same time.

8. Having considered the submissions of learned counsel for the parties and perused the material on record, this Court does not find any ground to enlarge the applicant on bail at this stage. In view of the nature and gravity of the allegations, including the specific accusation of gang rape in the victim's statement, the bail application is, accordingly, **rejected**.

9. However, the Trial Court is directed to decide the aforesaid case expeditiously, in accordance with law, if there is no legal impediment.

10. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Krishan Pahal,J.)

May 14, 2026

Siddhant