



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 16481 of 2026

Suhail

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 65
(Sl. No. 33 out of 269)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Dheeraj Kumar Singh, learned counsel for the applicant, Sri Ashutosh Singh, learned counsel 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. 205 of 2026, under Sections 85, 115(2), 352, 74, 64(1), 351(3) BNS and 3/4 of The Muslim Women (Protection of Rights on Marriage) Act, 2019, Police Station Lisari Gate, District Meerut, during the pendency of trial.

PROSECUTION STORY:

4. The marriage of the elder brother of the applicant Zubair was solemnized with the victim as per Muslim rites on 20.8.2020. The applicant and other family members are stated to have subjected her to cruelty for demand of dowry and had assaulted her.
5. There are particular allegations against the applicant of having raped the victim in the night of 22.3.2026 at about 10.00 pm when she was alone in the house. The applicant is stated to have threatened her to put her to death, lest she would reveal the said matter to anyone.
6. On 24.3.2026 at about 11.46 pm, the applicant and all the other co-

accused persons are stated to have assaulted her and are even stated to have tried to strangle her. Somehow she got released from their clutches and there are particular allegations against the co-accused persons of having torn her clothes off. The allegations against the husband of the victim are of having pronounced triple talaq to her as well.

ARGUMENTS ON BEHALF OF APPLICANT:

7. The applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by three days as far as the incident of rape is concerned and it is delayed by about 17 hours from the time of the alleged incident of assault and there is no explanation of the said delay caused.

8. The medical report does not corroborate the incident of rape. Although there are injuries sustained by the victim but the said injuries may be self-inflicted and may be manufactured. The injuries are not grievous in nature. Injury no.4 is on the neck, which is ligature mark. There is no allegation of applicant of having caused the said injury. The instant case seems to be misuse of dowry and rape laws.

9. There is no criminal history of the applicant. The applicant is languishing in jail since 4.4.2026 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:

10. After the incident, the police was called in the same night and the police has taken the victim for medical examination but the police did not care to get her medically examined immediately. Rather, it was conducted at night after the institution of FIR at 8.26 pm. The applicant has committed the heinous crime of rape with sister-in-law (bhabhi) and is not entitled for bail.

CONCLUSION:

11. 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 institution of the FIR coupled by the fact that applicant is brother-in-law of the victim and there being no injury sustained on the vital part of the victim as far as the allegation of rape is concerned 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**.

12. Let the applicant- **Suhail**, 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.

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

14. 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 14, 2026
Shalini