



2026:AHC:91035

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 22965 of 2025

Deepak Gurjar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Devendra Kumar, Romeshwari Prasad
Counsel for Opposite Party(s) : G.A.

Court No. - 65

(Sl. No. 99 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. As informed by learned AGA, notice to the informant has been served on 12.06.2025 but none is present on behalf of the informant.
2. Heard Sri Romeshwari Prasad, learned counsel for the applicant and Sri Arun Kumar Mishra, learned A.G.A. for the State and also perused the material placed on record.
3. Applicant seeks bail in **Case Crime No. 324 of 2024, under Sections 363, 376, 328 of IPC and Sections 3/4 of POCSO Act, Police Station - Sahibabad, District - Ghaziabad**, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant has been falsely implicated in the present case. The FIR is delayed by about six days and there is no explanation of the said delay caused.
5. Learned counsel has further stated that the FIR was instituted after returning of the victim to her home and pertained only to elopement. It contains no allegation against the applicant, but subsequently, in the victim's statements recorded under Sections 161 and 164 Cr.P.C., allegations of rape have been foisted as an afterthought. It is further stated that there is no medical corroboration of the incident. There is no criminal history of the applicant. The applicant is in jail since 08.05.2024. In case, the applicant is released on bail, he will not misuse the liberty of bail and

shall cooperate with trial.

6. Per contra, learned AGA has vehemently opposed the bail application but unable to dispute the submissions raised by the learned counsel for the applicant and also the fact that the applicant has no criminal history.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, nature of offence, severity of punishment and also considering the inordinate delay of six days in lodging the FIR and that the allegations of rape have subsequently been introduced in the statements of victim recorded u/s 161 & 164 Cr.P.C. coupled by the fact that there being no medical corroboration of the incident, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

8. Let the applicant- **Deepak Gurjar**, be released on bail on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

9. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

April 23, 2026
Siddhant