



2026:AHC:186579

**HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 17423 of 2026**

Vipin Kumar Gangwar @ Raja

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	: Jitendra Pal Singh, Pradeep Kumar Singh, Pratik Chandra
Counsel for Opposite Party(s)	: Bhavana Mishra, G.A., Ravi Kumar Mishra

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Pratik Chandra along with Sri Jitendra Pal Singh, learned counsel for the applicant, Sri Rakesh Kumar Mishra, learned A.G.A. for the State and perused the record.

2. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No.144 of 2026, U/s 65(1) 123, 351(3), 352 B.N.S. and Section 5/6 POCSO Act, Police Station-Sungarhi, District-Pilibhit.

3. As per prosecution story, initially the applicant was a neighbour to the victim while she was taking coaching at Pilibhit. The applicant offered her tea having sedative and after consuming tea, victim became unconscious and after regaining consciousness, she found that she was raped by the applicant. Subsequently, the applicant had also informed the victim that he had prepared her obscene video and under the threat of making viral of video, the applicant kept on committing rape upon her till 2023. Thereafter, in the year 2025, the applicant informed the victim that his mobile had been lost wherein obscene video was saved and some boys of Nababganj had found it and they were blackmailing him. They were pressurizing to have relationship with her and when the victim refused then the victim received obscene messages from different mobile numbers 7055317644, 7535927324, 6396143683, 7055908913 and the victim was being threatened to have physical relationship otherwise her video would be uploaded on social media. It was also mentioned in those messages that in case, the victim is ready to have physical relationship, she would also be paid money thereafter

victim lodged the FIR. The victim also supported the entire prosecution in her statements recorded under Sections 180 and 183 BNSS.

4. When this matter was taken before this Court on 6th July, 2027 and Court found that the I.O. of this case has not conducted any investigation regarding the obscene messages received by the victim from different mobile numbers. This Court directed the I.O. to appear before this Court on 14.07.2026. Thereafter I.O. of this case, Akash Tevatia, Sub-Inspector appeared before this Court and fairly admitted his negligence and submitted that after getting required permission from the concerned court, he will further investigate the case. Therefore, the Court permitted him to conduct further investigation after taking permission from the concerned court.

5. In pursuance of the permission granted by the concerned Magistrate, the I.O. conducted further investigation, during which it was found that it is the applicant, who was using sim cards of mobile numbers, mentioned in the statements of the victim and during investigation, it was also informed by one Sumit (friend of the applicant) that two sim cards bearing nos. 7055317644 and 7535927324 were issued on his Aadhar Card and the same were taken by the applicant. Similarly, the sister of the applicant Seema also informed the police that the present applicant after getting sim card bearing no.6396143683 in his name, had been using the same in his mobile. It was also found during investigation that the present applicant also obtained new sim card bearing no. 7055908913 on his Aadhar Card. These sim cards were used to send obscene messages to the victim and these message were also produced before the court on 11th August, 2026. Matter was posted for today to submit the FSL report regarding the data retrieved from the mobile numbers mentioned in the statement of victim, which were used to sent obscene messages.

6. FSL report was produced by I.O. through compliance affidavit, which is taken on record.

7. As per FSL report prepared by Forensic Science Laboratory, Moradabad, the mobile data and chat could not be retrieved from the mobile Nos. 7055317644, 7535927324, 6396143683, 7055908913.

8. It is very surprising that once the hard copy of the screen shot messages and WhatsApp chats are available in the case diary and that has been produced before the Court, the FSL, Moradabad could not retrieve the chats

and data from the mobile phones used in the present case. This casts doubt over the FSL, Moradabad.

9. Therefore, **ADG (Technical), Police Headquarter, Lucknow** is directed to conduct an inquiry against the Officer, who has/have prepared the FSL report dated 10.08.2026 and take appropriate action in accordance with law.

10. Learned counsel for the applicant submitted that the applicant has been false implicated and she was in relationship with the applicant from 2018 to 2023. Thereafter, there was no relationship with the applicant and the victim. However he could not dispute the fact that obscene messages were sent through mobile numbers mentioned in the statements of victim. It is further submitted that FSL report does not show recovery of any data as well as WhatsApp chats between these four mobile number and mobile numbers of the victim. Therefore, the applicant is entitled to be released on bail. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

11. On the other hand, learned A.G.A. for the State vehemently opposed the prayer for bail.

12. Considering the submissions of learned counsel for the parties and taking into account the fact that during investigation, it is clear from the statement of Sumit (friend of applicant) as well as Seema (sister of the applicant) that it is the applicant, who used four different sim cards, two of them issued in the name of Sumit and one in the name of Seema and one in the name of the applicant himself to send obscene messages to the victim to blackmail her to establish physical relationship and tried to compel her in the business of prostitution, therefore this Court is not inclined to grant bail to the applicant.

13. Accordingly, the present bail application is **rejected**.

14. **Registrar (Compliance)** is directed to send a copy of this order to the ADG (Technical), Police Headquarter, Lucknow for compliance of paragraph No.9.

15. I.O. of this case is directed to be careful in future while conducting the investigation.

September 8, 2026/A.Kr.

(Arun Kumar Singh Deshwal,J.)