



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27564 of 2025

Babu Alias Mehmood

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Avantika Nigam, Laxmi Devi, Mohd
Nasir, Prathamesh Upadhyay, Raj
Narayan, Thakur Prasad Dubey
Counsel for Opposite Party(s) : G.A., Irfanul Huda

Court No. - 65
(Sl. No. 99 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Sri Thakur Prasad Dubey, learned counsel for the applicant, Sri Irfanul Huda, learned counsel for the informant as well as Sri R.M. Yadav, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 147 of 2025, under Sections 64(1), 332(2), 351(3) BNS and 3/4 POCSO Act, Police Station Maudaha, District Hamirpur, during the pendency of trial.

PROSECUTION STORY:

4. The applicant is stated to have barged into the house of the informant on 22.4.2025 at about 10.30 am and committed rape with his daughter. On hearing her shrieks, the informant and other members of the locality are stated to have reached there, whereupon the applicant ran away from the place of occurrence.

ARGUMENTS ON BEHALF OF APPLICANT:

5. The applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by about five days and there is no

explanation of the said delay caused.

6. The story as narrated by the informant stands falsified from the statement of the victim recorded u/s 183 BNSS, whereby she has stated that applicant had raped her by disrobing her and when her father reached there, she narrated the complete story to him and he took the victim and the applicant to police station.

7. The informant is used to filing such kind of frivolous FIRs. The wife of informant filed an FIR No. 184 of 2021 against an accused person on similar lines that too regarding the same victim and subsequently, she has turned hostile in the said case and the co-accused person was acquitted. At the time of the said FIR on 21.12.2021, the victim was 15 years old but in the instant FIR instituted in the year 2025, her age has been mentioned as 17 years. If otherwise the age mentioned in the earlier FIR is considered correct, then she must be 19 years old at the time of the instant FIR.

8. There is no criminal history of the applicant. The applicant is languishing in jail since 29.4.2025 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:

9. It stands established from the statement of the victim recorded u/s 183 BNSS that she and the applicant were taken to police station and the police got the matter settled between the family somehow and after much persuasion and running from pillar to post by the informant, the said FIR has been instituted. The victim is minor. The applicant is not entitled for bail.

CONCLUSION:

10. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that FIR is delayed by five days and there being another FIR instituted by wife of the informant regarding the same victim in the year 2021 and there being no medical corroboration of the incident 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**.

11. Let the applicant- **Babu Alias Mehmood**, 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.

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

13. 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