2026:AHC:187098

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 26273 of 2026

Rahul Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Amit Saxena
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Amit Saxena, learned counsel for the applicant, Sri B.P. Maurya, learned AGA for the State-respondents and perused the record.

2. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant with a prayer to release him on bail in Case Crime No. 130 of 2026 under Sections 65(1), 351(3) BNS and 3/4(2) POCSO Act registered at Police Station Palimukimpur, District Aligarh during pendency of the trial.

3. At the very outset, learned A.G.A. states that notice has been served upon the first informant.

4. It has been argued by learned counsel for the applicant that applicant is not named in the FIR and his name also does not find mention in the statement of the victim recorded under section 180 BNSS. However, in the statement of the victim recorded under sections 183 BNSS, she has stated for the first time that applicant committed rape on her. It is further submitted that age of the victim has been found to be 13 years and 10 months as per certificate of class Vth, however, there is no certificate of High School or school first attended and no radiological examination has been conducted for determination of her age. It is further submitted that medico-legal report of the victim does not support the allegation of rape on her. It is further submitted that applicant has criminal history of one case in which he is on anticipatory bail and he has been languishing in jail in the present case since 04.5.2026. It is also submitted that the applicant undertakes that he will not

misuse the liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

5. On the other hand, learned A.G.A. opposed the prayer for grant of bail to the applicant and submits that victim is a minor girl aged about 13 years and 10 months as per certificate of class Vth and she has stated in her statement recorded under section 183 BNSS that applicant committed rape on her.

6. Applicant is not named in the FIR as per which, co-accused Shivam is said to have enticed away the daughter of the first informant and committed rape on her. Name of the applicant also does not find mention in the statement of the victim recorded under section 180 BNSS. However, in the statement of the victim recorded under sections 183 BNSS, she has stated for the first time that applicant committed rape on her. The victim has been found to be aged about 13 years and 10 months as per certificate of class Vth, however, there is no certificate of High School or school first attended and no radiological examination has been conducted for determination of her age. Medico-legal report of the victim does not support the allegation of rape on her. Applicant has criminal history of one case in which he is on anticipatory bail and he has been languishing in jail in the present case since 04.5.2026.

7. Upon considering the totality of facts, nature and the evidence reflected from record and without expressing any opinion on merits of the case, I find it to be a fit case for bail. Hence, the present bail application is **ALLOWED**.

8. Let the applicant **Rahul Kumar** involved in the aforesaid case crime be released on bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions :-

(i) The applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.

(ii) The applicant shall not pressurize/intimidate the prosecution witnesses.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of B.N.S.S.

(iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

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

10. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(Jitendra Kumar Sinha,J.)

September 8, 2026
Madhurima

Digitally signed by :-
MADHURIMA GARG
High Court of Judicature at Allahabad