



2026:AHC:211524

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30613 of 2025

Tara Singh

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Rahul Kumar, Ram Pal Singh, Ulajhan Singh Bind

Counsel for Opposite Party(s) : G.A., Rajesh Kumar, Vijay Kumar Verma

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Ram Pal Singh, counsel for the applicant, Sri Rajesh Kumar, counsel for the first informant, Sri Bhupendra Pal Singh, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail during trial in Case Crime No. 249 of 2025, under Sections 70 (2), 351 (3) B.N.S., under Sections 5g/6 POCSO Act and Section 67 (a) of I.T. Act, Police Station-Sahawar, District-Kasganj.

3. Counsel for the applicant submitted that as per the prosecution story, the FIR was lodged on 21.04.2025 with the allegation that the applicant and co-accused had forcibly dragged the victim in a field and committed rape upon her, and also prepared obscene video of the incident question, and they threatened the victim not to disclose about this incident to her family members. It is further submitted that the victim in her statement recorded under Section 183 BNSS made specific allegation that it is the co-accused who committed rape upon her and the present applicant was recording the video of the incident through his mobile phone; subsequently the same was made viral; when the villagers came to know about the video, then they informed about the same to the mother of the victim, thereafter the FIR was lodged.

4. This Court on 15.09.2026 directed the learned A.G.A. to produce pen-drive of the video of the incident in question.

5. In compliance of the order dated 15.09.2026, the learned A.G.A. has produced the video of the incident in question. The video shows that the co-accused Mukesh was committed rape upon the minor victim and some other person was preparing the video of the incident in question. On that date, the Court inquired whether the I.O. of this Case has taken mobile phone of the applicant and whether he has examined any villagers to whom the applicant has sent the video of the incident or tried to ascertain the source of that obscene video. Learned A.G.A. failed to produce any document, therefore, the I.O. of this case was directed to appear before this Court and explain the negligence.

6. In compliance of the order dated 30.09.2026, Sri Pravesh Rana, I.O. of this case is present before this Court. He apprised the Court that he has not recorded the statement of any villager nor he could recover the mobile phone of the applicant. He also apprised the Court that the father of the applicant stated that he destroyed the mobile phone of the applicant and threw the same. He also admitted that he could not ascertain the source of viral video from which it was sent and by whom it was made viral, though he obtained the video from the incident in question from the first informant.

7. It is very surprising that once the I.O. came to know that the father of the applicant has destroyed the mobile phone of the applicant having obscene video of the incident; even then the father of the applicant did not hand over the damaged mobile phone to the I.O. of this case; then the I.O. of this case should have registered a case against him for destroying the relevant evidence.

8. The above fact prima facie shows negligence on part of the I.O., which requires to be examined by the concerned authority.

9. Therefore, the Superintendent of Police, Kannauj is directed to conduct inquiry against Sri Pravesh Rana, the I.O. of this case. If any negligence is found against Sri Pravesh Rana, the I.O. of this case, appropriate action be taken against him.

10. Counsel for the applicant submitted that the victim in her statement recorded under Section 183 BNSS did not make any allegation against the applicant for committing rape upon her. She simply stated that the applicant

has prepared the video of the incident in question, which was subsequently made viral, however, the police could not recover such obscene video or its source by whom it was made viral. Even, no evidence was collected regarding making the video viral. It is further submitted that there is no material against the applicant. It is further submitted that the applicant has no criminal history and case of the applicant is distinguishable from the co-accused Mukesh against whom specific allegation of committing rape has been made, which is duly substantiated from the video of the incident in question produced before the Court. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 21.04.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

11. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

12. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties; taking into account the fact that the victim did not make any allegation against the applicant for committing rape, even the video played in the computer of this Court did not show involvement of the applicant in committing rape; also taking into account that the I.O. of this case could not collect any material showing that the applicant has prepared the video of the incident or he has made it viral; coupled with the fact that the case of the applicant is distinguishable from the co-accused Mukesh against whom specific allegation has been made, which is duly substantiated from the video of the incident in question produced before the Court and keeping in view the nature of offence, evidence, complicity of accused and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is **allowed**.

13. Let the applicant- **Tara Singh** involved in the aforementioned 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, 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 cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

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

15. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

16. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

17. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

18. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or on e-prison portal and Trial Court via e-mode within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021** decided on 31.01.2023 reported in (2024) 10 SCC 685 as well as **Pila Pahan @ Peela Pahan and others Vs. State of Jharkhand and another, in Writ Petition (Criminal) No. 169 of 2025**, decided on 29.05.2026.

19. **Registrar (Compliance)** is directed to communicate this order to the Superintendent of Police, Kasganj for compliance.

20. Pen-drive of the video of the incident is taken on record and shall be kept in seal cover till destruction of this file.

(Arun Kumar Singh Deshwal,J.)

October 8, 2026

CS/-