



2026:AHC:191081

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 28753 of 2026

Rajan

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Kamlesh Kumar Tiwari, Swati Tiwari
Counsel for Opposite Party(s) : Abhinav Mishra, Avdhesh Kumar, G.A.

Court No. - 68
(Sr. No.32 out of 80 T.C.)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Kamlesh Kumar Tiwari, learned counsel for applicant, Sri Abhinav Mishra, learned counsel for the informant, Sri Arun Kumar Mishra, learned A.G.A. for the State and perused the material placed on record.
3. The present bail application has been filed by the applicant in Case Crime No.158 of 2026, under Sections 70(2), 351(3) B.N.S., Section 5G/6 POCSO Act and Section 67 of I.T. Act, Police Station Paniyara, District Maharajganj with the prayer to enlarge him on bail.
4. As per prosecution story, the co-accused person Manish, who is stated to be the friend of the victim, had called her to an agricultural field, whereby the applicant and accused Vikas also committed gang rape with her.
5. Learned counsel for the applicant has stated that the FIR is delayed by about seven days and there is no explanation of the said delay caused. The victim seems to be a consenting party. There is no recovery of any indecent video of the victim from the mobile of the applicant. The said fact is but evident from the cyber crime report filed as annexure-8 with the affidavit as the cyber cell could not find any indecent video on social media platform, like Facebook, Instagram and Snap-chat, etc. As such, applicant is entitled to bail. There is no criminal history of the applicant. The applicant is in jail since 25.5.2026 and he is ready to cooperate with trial. In case, the applicant

is released on bail, he will not misuse the liberty of bail.

6. Per contra, learned counsel for the informant and learned A.G.A. have opposed the prayer for bail, submitting that the victim, in her statement, has alleged gang rape by the applicant and co-accused Vikas after being called by co-accused Manish. It is further submitted that an indecent video of the victim was sent to the applicant, who circulated it among several persons in the village, and that the said video, of about 23 seconds' duration, has been recovered during investigation. In view of the nature and gravity of the allegations and the material collected, the applicant is not entitled to bail.

7. Having heard learned counsel for the parties and upon perusal of the material available on record, particularly the statement of the victim recorded under Section 183 BNSS, as well as the factum of recovery of an indecent video depicting the victim, I do not find it a fit case for grant of bail to the applicant.

8. The bail application is found devoid of merits and is, accordingly, **rejected**.

9. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously, in accordance with law, without granting unnecessary adjournment to either party, if there is no legal impediment.

10. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Krishan Pahal,J.)

September 11, 2026

Vikas Verma