



2026:AHC:91488

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 40490 of 2025

Janu @ Ramakant Sharma

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rajnish Tripathi, Ram Krishna Dubey, Siddharth Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65
(Sl. No.177 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. As informed by learned A.G.A., notice has been served to the informant on 10.11.2025.
2. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
3. Heard Sri Siddharth Shukla, learned counsel for applicant, Sri Abhishek Singh, learned A.G.A. for the State and perused the material placed on record.
4. The present bail application has been filed by the applicant in Case Crime No. 208 of 2025, under Sections 376/34, 506 IPC, 3/4 POCSO Act and 67 I.T. Act, Police Station Ujhani, District Budaun, with the prayer to enlarge him on bail.

PROSECUTION STORY:

5. The co-accused person Majhale @ Veeresh is stated to have caught hold of the hands of the niece of the informant and committed rape with her while the co-accused person Dildar is stated to have recorded the said video. Thereafter, the said accused Dildar blackmailed the victim to make the said video viral on social media and also raped her. Subsequently, the said video is stated to have been in possession of the applicant, who again threatened her and committed rape with her. It is also alleged in the FIR that recently the co-accused person Arun and applicant are stated to have made the said video viral.

ARGUMENTS ON BEHALF OF APPLICANT:

6. The FIR is delayed by more than one year and there is no explanation of the said delay caused. There is no medical corroboration of the incident. There is nothing on record to suggest that applicant made viral the said video of the victim. There is no recovery of any video from the mobile of the applicant and there is no forensic evidence to indicate that applicant was visible in the said video. There were instructions indicating that the video was seen by the investigating officer and only one hand of a male person is visible in it, although victim is stated to have heard saying 'Please leave her brother Majhale'. The applicant is in jail since 3.6.2025 and 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:

7. There are serious allegations against the applicant. The delay in FIR stands explained from the fact that it has only been instituted after it came to the knowledge of the informant that the said video has been made viral and the same has been recovered from the mobile of the applicant.

CONCLUSION:

8. After hearing learned counsel for the parties and taking into consideration the fact that video was made viral and it was found indecent and even the name of one co-accused is mentioned in the said video, I do not find it a fit case for grant of bail to the applicant. 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 as early as possible in view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of ***Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220*** and ***Hussain and Another vs. Union of India; (2017) 5 SCC 702***, 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.)

April 23, 2026
Shalini