



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 45249 of 2025

Rohit @ Manish @ Mohit

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	: Devendra Kumar Mishra, Manoj Kumar
Counsel for Opposite Party(s)	: Dharendra Kumar Verma, G.A., Sharad Chandra Srivastava

Court No. - 65
(Sr. No.114 out of 269)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Rejoinder affidavit filed today is taken on record. Learned A.G.A. has informed that the notice to the informant has been served on 18.12.2025, but none is present on behalf of the informant.
2. Heard Sri Devendra Kumar Mishra, learned counsel for the applicant, Sri Arun Kumar Mishra, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.335 of 2025, under Sections 70(2), 127(2), 137(2), 351(2) BNS and Section 5G/6 POCSO Act, Police Station Sasnigate, District Aligarh, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. It is true that the FSL report indicates the presence of blood and spermatozoa, but there is a major discrepancy in the collection of the said clothes. The medical examination report indicates that the victim did not have any spare clothes; as such her clothes could not be sealed there and then. The said clothes were sealed at the police station, and there is every likelihood of interpolation in the said clothes. Even the presence of blood or spermatozoa does not indicate the involvement of the applicant.
5. Learned counsel for the applicant has further argued that the FIR itself is

delayed by about 2 days, and the victim was recovered, and even after the recovery of the victim, the FIR was instituted after a delay of about 12 hours, and there is no explanation for the said delay. Even the fact that the victim was under intoxication does not find mention in her statement recorded under Section 183 BNSS. The complete story seems unbelievable. The applicant has no criminal history and is in jail since 11.08.2025. He undertakes to cooperate with the trial and not misuse the liberty of bail.

6. Learned A.G.A. has vehemently opposed the bail application but could not dispute the submissions made by the counsel for the applicant.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay in the institution of the FIR and the discrepancy in collecting the clothes of the victim, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

8. Let the applicant- **Rohit @ Manish @ Mohit**, be released on bail on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

9. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

May 14, 2026
(Ravi Kant)