HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 7311 of 2026

Sukpal

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mahendra Pal Singh Gaur, Manoj Pandey, R.U. Rinki Renu
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard counsel for the applicant and Sri Nagendra Kumar Mishra, learned Brief Holder for the State. Perused the material available on record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Complaint Case No. 179 of 2016, under Sections 376, 323 of I.P.C., Police Station- Mundha Pandey, District- Moradabad, during the pendency of trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. Earlier, the sister of the applicant lodged a first information report against the husband of the victim and two others under Section 302 I.P.C., registered as Case Crime No.253 of 2012, Police Station Mundh Pandey, Sadar, District - Moradabad. In counterblast to the said proceedings, the instant prosecution has been instituted against the applicant. After investigation, final report in favour of the applicant was submitted. Thereafter, a protest petition was filed which was treated as complaint and the applicant was summoned to face trial. No summons were served upon the applicant. The applicant was arrested on 17.12.2025 and since then he is in jail. It is next contended that as per the medical examination report dated 24.03.2013, no internal injury was found on the private part of the victim. Further, identically placed co-accused Monti has been granted bail by this Court vide order dated 20.9.2018 passed in Criminal Misc. Bail Application No.35548 of 2018. The applicant claims parity. Criminal history of the applicant has been explained in paragraph-4 of the supplementary affidavit. In case the applicant is enlarged on bail, he

will not misuse the said liberty.

4. Learned A.G.A. for the State has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record, this Court *prima facie* finds that earlier, the sister of the applicant lodged a first information report against the husband of the victim and two others under Section 302 I.P.C., registered as Case Crime No.253 of 2012, Police Station Mundh Pandey, Sadar, District - Moradabad. As per the medical examination report dated 24.03.2013, no internal injury was found on the private part of the victim. Further, identically placed co-accused Monti has been granted bail by this Court. Moreover, the applicant has remained confined for more than ten months and there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant **Sukpal**, involved in the aforesaid case be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence; and,

(iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

October 23, 2026
Manish Kr

(Vivek Varma,J.)

Digitally signed by :-
MANISH KUMAR
High Court of Judicature at Allahabad