HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 17373 of 2025

Birbal Alias Bali

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Awdhesh Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Awdhesh Singh, learned counsel for the applicant, 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 in Case Crime No. 187 of 2024, Under Sections 333, 74, 76, 351(2), 64 B.N.S., Police Station-Jansath, District-Muzaffar Nagar, during the pendency of the trial.

3. The contention of learned counsel for the applicant is that the applicant has been falsely implicated, though the allegation of outraging the modesty of the victim has been made by the first informant (husband of the victim) in the FIR. However, in her statement, the victim alleged that, prior to the incident in question, the applicant had also committed rape upon her and threatened to kill her family if she disclosed the incident to any other person. It is further submitted that the FIR was lodged about 11 days after the last incident, which itself creates doubt about the entire prosecution story. It is further submitted that the medical examination report of the victim does not show any mark of injury or any sign of sexual assault. It is further submitted that the applicant has been falsely implicated due to village enmity and that a simple case of scuffling has been exaggerated into a case of rape. It is further submitted that, from the perusal of the rejection order, it is clear that the applicant has already been acquitted in five cases and is on bail in the remaining two cases. It is further submitted that, out of 19 prosecution witnesses, only one witness has been examined to date; therefore, the trial is not

likely to be concluded in the near future. The applicant is languishing in jail since 07.09.2024. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

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

5. Considering the aforesaid submission and taking into account the delay in lodging the FIR as well as medical examination report of the victim and also delay in trial and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail 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 present application is **allowed**.

6. Let the applicant- **Birbal alias Bali,** 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.

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

8. Identity, status and residence proof of the applicant and sureties be

verified by the court concerned before the bonds are accepted.

9. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

10. 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.

11. 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.

12. 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.**

October 23, 2026
S.C.

(Arun Kumar Singh Deshwal,J.)

Digitally signed by :-
SHUBHAM CHAURASIA
High Court of Judicature at Allahabad