2026:AHC:208491

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 24431 of 2026

Rakesh

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Dhananjay Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68
(Sr. No.90 out of 186)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Firdaus Ahmad, Advocate holding brief of Sri Dhananjay Kumar, learned counsel for the applicant, Sri Anit Kumar Shukla, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.98 of 2026, Under Sections 137(2), 87, 74, 351 (3) B.N.S. and Section 7/8 POCSO Act, P.S. Kubersthan, District Kushinagar, 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. The victim has not made any allegation of sexual assault against the applicant in her statement recorded under Section 183 of the BNSS, although she has stated that the applicant threatened her and kept her captive for the night. The allegations are per se false. The FIR was lodged after a delay of more than one day, and there is no explanation for the said delay either. The criminal history assigned to the applicant stands explained. The applicant is in jail since 07.05.2026 and he undertakes to cooperate with the trial and not misuse the liberty of bail.

5. Learned A.G.A. has vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

6. 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 statement of the victim recorded under Section 183 BNSS, 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**.

7. Let the applicant- **Rakesh**, be released on bail in the aforementioned case crime 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.

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

(Krishan Pahal,J.)

October 6, 2026
(Ravi Kant)

Digitally signed by :-
RAVI KANT
High Court of Judicature at Allahabad