2026:AHC:208704

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 31238 of 2026

Ravi Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

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

Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. List revised.

2. Heard Sri Pramod Kumar Dwivedi, learned counsel for the applicant, Sri Uma Shankar Mishra, learned AGA for the State-respondents and perused the record.

3. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant with a prayer to release him on bail in Case Crime No. 21 of 2026 under Sections 65(1), 351(2) BNS, 5(J)(II), L, N/6 POCSO Act registered at Police Station Kotwali Mursan, District Hathras during pendency of the trial.

4. At the very outset, learned A.G.A. states that notice has been served upon the first informant.

5. It is contended by learned counsel for the applicant that applicant has been falsely implicated in the present case as his mother was a witness against the first informant in a murder case bearing Case Crime No. 125 of 2019. It is further submitted that the victim in her statement recorded under Sections 180 and 183 BNSS has stated that applicant committed rape on her in the month of June, 2025 whereas FIR has been lodged in the month of June, 2026 and she has been found pregnant of 24 weeks which does not correspond with the date of the alleged offence. It is next submitted that date of birth of the victim is 03.6.2011 as per school records of class VIIIth, however, she was admitted in the said school from class VIth in the year 2021, therefore, the said certificate is not of school first attended and no radiological examination has been conducted for determination of her age. It is next submitted that there are material contradictions in the statements of the victim recorded under Sections 180 and 183 BNSS. It is also submitted that applicant, who has no criminal history, has been languishing in jail since 06.2.2026. It is lastly submitted that in case applicant is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

6. On the other hand, learned A.G.A. opposed the prayer for grant of bail to the applicant and submits that victim is a minor girl aged about 14 years as per school records of class VIIIth and she has stated in her statements recorded under sections 180 and 183 BNSS that applicant committed rape on her.

7. As per the FIR, applicant is said to have committed rape on the victim aged about 15 years and she became pregnant of five months. FIR has been lodged on 23.1.2026 and the victim in her statement recorded under Sections 180 and 183 BNSS has stated that applicant committed rape on her in the month of June, 2025, therefore, it is submitted that the period of her pregnancy does not correspond with date of the alleged offence. It is submitted that applicant has been falsely implicated in the present case as his mother was a witness in a murder case against the first informant bearing Case Crime No. 125 of 2019. Date of birth of the victim is 03.6.2011 as per school records of class VIIIth, however, she was admitted in the said school from class VIth in the year 2021, therefore, the said certificate is not of school first attended and no radiological examination has been conducted for determination of her age. Applicant, who has no criminal history, has been languishing in jail since 06.2.2026.

8. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties 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.

9. Let the applicant **Ravi Kumar** 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.

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

11. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

12. 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.

13. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal 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.***

October 6, 2026
Madhurima

(Jitendra Kumar Sinha,J.)

Digitally signed by :-
MADHURIMA GARG
High Court of Judicature at Allahabad