2026:AHC:210344

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30455 of 2026

Noor Alam

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Ashutosh Kumar Gupta, Mohd Hamid
Counsel for Opposite Party(s) : G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Learned AGA submits that notice of this bail application has been served upon the informant on 25.8.2026. The receiving endorsement, produced by learned AGA is taken on record. However, no one appears on behalf of the informant nor any counter affidavit has been filed on his behalf.

2. Heard Mr. Yakoob Ali, Advocate holding brief of Mr. Mohd. Hamid, learned counsel for the applicant, Sri V.P. Tripathi, learned A.G.A. for the State and perused the record.

3. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 64 of 2026, under Sections 70(1), 309(6), 317(2) B.N.S., Police Station- Jathan Bazar, District- Kushinagar during pendency of the trial.

4. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 8.7.2026, whereas the first information report was lodged on 11.7.2026 under Section 309(6) B.N.S. against unknown persons. The delay in lodging the first information report is fatal to the prosecution case. During the course of investigation, the informant and the victim named the applicant and two other accused. The victim in her statements recorded under Sections 180 and 183 B.N.S.S. stated that the applicant and two others committed rape upon her and the co-accused Fayaz had snatched her silver chain. It is contended that the said statements are afterthought and are unreliable. The medical examination of the victim was conducted on

14.7.2026. The attending doctor recorded that no injury was present on the body of the victim. The material inconsistency in the first information report and statements of the victim recorded under Section 180 and 183 B.NS.S. discredits the prosecution case. False recovery of a chain of white metal has been shown from the applicant. There is no independent witness to the alleged recovery. The applicant is in jail since 13.7.2026 having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.

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

6. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the first information report has been lodged belatedly. During the course of investigation, the informant and the victim named the applicant and two other accused. The medical examination of the victim was conducted on 14.7.2026. The attending doctor recorded that no injury was present on the body of the victim. There are material inconsistencies in the first information report and statements of the victim recorded under Section 180 and 183 B.NS.S. There is no independent witness to the alleged recovery. The applicant has no criminal antecedents. Further, the applicant has presently remained confined for more than two 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 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.

7. Let the applicant, Noor Alam involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

i. the applicant shall not tamper with the prosecution evidence;

ii. the applicant shall not pressurize the prosecution witness;

iii. the applicant shall appear on each and every date fixed by the trial court.

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

(Vivek Varma,J.)

October 7, 2026
S.S.

Digitally signed by :-
SIDDHARTH SRIVASTAVA
High Court of Judicature at Allahabad