2026:AHC:210100

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 31413 of 2026

Prashant Rai

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Dhirendra Bahadur Singh
Counsel for Opposite Party(s)	:	G.A., Ranjeet Singh

Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. List revised.

2. Heard Sri Dhirendra Bahadur Singh, learned counsel for the applicant, Sri Ashish Kumar Tripathi, 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. 275 of 2026 under Sections 64(1) BNS registered at Police Station Premnagar, District Jhansi during pendency of the trial.

4. It is contended by learned counsel for the applicant that applicant has been falsely implicated in the present case and there are material contradictions in the statements of the victim recorded under sections 180 and 183 BNSS as she has not stated anything regarding commission of rape in her statement under section 180 BNSS whereas in her statement under section 183 BNSS, she has stated that applicant inserted his finger into her private part. It is further submitted that the victim is a major and married lady and she has refused to undergo medico-legal examination. It is further submitted that applicant has no criminal history and he has been languishing in jail since 04.7.2026. It is also submitted that the applicant undertakes that he will not misuse the liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

5. On the other hand, learned A.G.A. has opposed the prayer for grant of bail to the applicant, however, he does not dispute the aforesaid facts.

6. As per the FIR, there is allegation of sexual harassment and outraging the modesty of the victim. However, the victim has not stated anything regarding commission of rape in her statement under section 180 BNSS whereas in her statement under section 183 BNSS, she has stated that applicant inserted his finger into her private part. The victim is a major and married lady and she has refused to undergo medico-legal examination. A pplicant has no criminal history and he has been languishing in jail since 04.7.2026.

7. 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.

8. Let the applicant **Prashant Rai** 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.

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

10. 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.

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 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.***

(Jitendra Kumar Sinha,J.)

October 7, 2026
Madhurima

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