2026:AHC:208308

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 10140 of 2026

Aarif

.....Appellant(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Avadh Pratap Singh Shishodia
Counsel for Respondent(s)	:	Amit Singh, Anurag Pandey, G.A.

Court No. - 74

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Avadh Pratap Singh Shishodia, learned counsel for the appellant, Sri Amit Singh, learned counsel for the opposite party no.2 and Sri Ajay Singh, learned A.G.A.-I for the State and perused the record.

3. The Vakalatnama of Sri Amit Singh, learned counsel for the opposite party no.2 is not on record despite his name being printed in the cause-list. Office to trace out the same and place it on record and make a note in the order-sheet about it.

4. This criminal appeal under Section 14-A (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been preferred by the appellant- **Aarif**, with the prayer to set aside the order dated 30.06.2026 passed by the Additional District & Session Judge / Special Judge (POCSO Act (Exclusive Court), Baghpat in Bail Application No. 1013 / 2026, arising out of Case Crime No. 49 of 2026, under Sections 65(1), 351(3) B.N.S., Section 5(L)/6 POCSO Act, Section 3(2)V S.C./S.T. Act, Police Station Kotwali Baghpat, District Baghpat, with a further prayer to release the appellant on bail in the aforesaid case during the pendency of trial.

5. The first information report of the present matter was lodged on 22.01.2026 by Rahul against the appellant, Rehan and Manjeet alleging therein that he is a resident of Baghpat and belongs to Harijan community. His daughter is a student of class-10 of Jain school. On 14.01.2026 at about 09:30 am when his daughter was going to the school Aarif came in a vehicle at the gate of the school and threatened his daughter to sit in the vehicle or

else he would make her video viral and murder her brother on which she sat in the vehicle. Aarif then told her he would get her religion converted and marry her and then use her and earn money as he has done this with many other girls. On her shout he stooped the vehicle but threatened her that today his is leaving her but he will take her some day. His daughter then came back home and then in a terrified condition did not eat anything. He asked his daughter about it then she told him that Aarif has been committing rape upon her since last two years and he had been facilitating his associates Rehan and Manjeet also to commit rape upon her and was forcing her to convert her religion which she was refusing and then he used to threaten her of murdering her family. Earlier also in April 2025 Aarif had kidnapped her on which an application was given by him but no action was taken. His report be lodged and action be taken.

6. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case. It is submitted that the present first information report has been lodged after an unexplained delay of 08 days. It is further submitted that there are serious contradictions in the prosecution version as per the first information report and even in the statement of the first informant and also two statements of the victim recorded during investigation. It is submitted that in so far as the incident of kidnapping in April 2025 is concerned, although as per the first information report it was stated that the victim girl was kidnapped but during investigation it was stated by the first informant and the victim herself that Shiv Kumar the son of the first informant was kidnapped. It is submitted that a CDR of the mobile of the appellant and the family members of the victim were collected which go to show that the appellant had been talking to the mother of the victim from 27.02.2025 to 03.01.2026 for 28 times and then from 01.02.2025 to 23.01.2023 to the first informant for 12 times and on 14.01.2023 his location was found at a different place as that of the incident. It is submitted that the present case is a case of false implication since the appellant and the first informant are neighbours and there have been regular differences between them. While placing paragraph 33 of the affidavit it is submitted that no obscene video or material has been recovered from the possession or pointing out of the appellant. While placing paragraph 16 of the affidavit it is submitted that the investigation in the matter has concluded and charge-sheet has been submitted. The appellant has no criminal history as stated in para 35 of the affidavit and is in jail since 22.01.2026.

7. *Per contra*, learned counsel for the opposite party no.2 and learned counsel for the State vehemently opposed the prayer for bail and submitted that the victim as per the school records is a minor girl aged about 15 years. Her date of birth as mentioned in the school records is 13.06.2010 and thus she is a minor. It is submitted that the prosecution case regarding rape on the victim is consistent from the first information report to the statements of the victim recorded during investigation. It is submitted that there is no such specific reason coming forward to show the reason of false implication from the side of the accused-appellant. It is submitted that the prayer for bail be rejected.

8. After having heard learned counsel for the parties and perusing the record, it is evident that the applicant is named in the first information report. There are allegations of rape being committed by him on the victim. Even it is alleged that he facilitated rape on her with his associates. The said prosecution version is corroborated by the victim in her statements during investigation. The victim is a minor girl aged about 15 years. Charge-sheet in the matter has been submitted. No ground for bail is made out.

9. The appeal is **dismissed**.

October 6, 2026
AS Rathore

(Samit Gopal,J.)

Digitally signed by :-
ABHISHEK SINGH RATHOR
High Court of Judicature at Allahabad