HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 32671 of 2026

Abdullah

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Deepak Dubey, Gyanendra Singh
Counsel for Opposite Party(s)	:	Akash Tomar, Shahrook Khan, G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Deepak Dubey, learned counsel for the applicant, Sri Atul Verma, advocate holding brief of Sri Akash Tomar, learned counsel for the informant and Dr. S.B. Maurya, learned AGA-I for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.512 of 2026, under Sections 318(4), 70(1), 351(3) BNS, Police Station Kankarkheda, District Meerut, during pendency of the trial.

3. Learned counsel for the applicant submits, however applicant is named in the FIR alongwith co-accused Ibrahim which was lodged by the victim herself and according to the FIR, under the false promise of provide job applicant obtained Rs.2,00,000/- from her and even committed rape upon her alongwith co-accused on 25.06.2026 but entire allegations levelled against the applicant are totally false.

4. He next submits, actually one Nazim was the Village Pradhan and some months before he beaten the applicant and co-accused Ibrahim and in this regard co-accused Ibrahim lodged FIR against Nazim on 25.03.2026 which has been annexed at page-104 of the paper book and victim i.e.

informant of the case is related to accused Nazim and on his instigation she lodged FIR of the present case.

5. He further submits, even admittedly victim i.e. informant of the case is major lady aged about 29 years and the story narrated by her in the FIR as well as in her both the statements recorded during investigation prima facie appears to be unconvincing and no reliance can be placed on such hypothetical version.

6. He next submits, applicant is innocent and he is not having any other criminal history and in the present matter he is in jail since 05.07.2026 i.e. for last almost four months.

7. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submit, it is a case of gang rape and in the FIR which was lodged by the victim herself and in her both the statements recorded during investigation there is allegation of gang rape against the applicant and co-accused Ibrahim. They further submit, as per the doctor who examined the victim, she recently had sexual intercourse and therefore prima facie it cannot be said that applicant is innocent.

8. They further argued, therefore considering the above facts, instant bail application may be dismissed.

9. I have heard both the parties and perused the record of the case.

10. However, according to the prosecution, it is a case of gang rape and applicant and co-accused Ibrahim committed rape against the victim in a moving car but admittedly victim is major lady aged about 29 years and the story narrated by her in the FIR and in her both the statements recorded during investigation prima facie appears to be unconvincing.

11. Further, however from the statement of doctor who examined the victim it reflects, she recently had sexual

intercourse but from the medical report of the victim which has been annexed alongwith the instant bail application it reflects, doctor could not find any mark of force allegedly applied against her. Considering the fact that victim is major lady aged about 29 years merely on the ground that recently she had sexual intercourse, no presumption can be drawn against the applicant that he alongwith co-accused committed rape upon her.

12. Further, even it reflects, in March, 2026 co-accused Ibrahim lodged an FIR against one Nazim who was Gram Pradhan and as per the FIR, accused Nazim beaten the applicant and co-accused Ibrahim and according to the applicant, informant of the case i.e. victim is the close relative of accused Nazim.

13. Further, from the medical report of the victim it reflects, she was taken to doctor by one Khushnuma and according to applicant, she is also the close relative of the accused Nazim. Considering the overall facts and circumstances of the case, prima facie prosecution case appears to be doubtful and prima facie it cannot be said that applicant committed alleged offence of rape.

14. Further, applicant is not having any criminal history and in the present matter he is in jail for last almost four months.

15. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

16. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.

17. Let the applicant - **Abdullah** be released on bail in the aforesaid case on 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 appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

18. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

19. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

October 29, 2026
Shahroz

(Sameer Jain,J.)

Digitally signed by :-
SHAHROJ ALAM
High Court of Judicature at Allahabad