2026:AHC:208068

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 45888 of 2025

Shravan

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ganesh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 74

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Ganesh, learned counsel for the applicant, Sri Bade Lal Bind, learned AGA for the State and perused the material on record.

3. This second bail application under Section **483 of B.N.S.S.** has been filed by the applicant Shravan, seeking enlargement on bail during trial in connection with Case Crime No. 76 of 2025, under Section(s) 64, 351(3) BNS and 67 Information Technology Act, registered at P.S. Wyndhamganj, District- Sonbhadra.

4. The first bail application of the applicant being Criminal Misc. Bail Application No. 29137 of 2025 was rejected by this Court vide order dated 25.8.2025.

5. The F.I.R. of the matter was lodged on 07.5.2025 by the victim against the applicant on the basis of an application given to Superintendent of Police, Sonbhadra, alleging therein that she was married to Sant Lal. Sant Lal used to live outside with relation to his employment. Her father-in-law and mother-in-law used to consume liquor and also used to eat non-veg food. Shravan the applicant who is a relative and is cousin maternal-uncle of her husband, used to visit her house often and used to give liquor and non-veg food to her in-laws due to which they used to became unconscious. He then threatened her and committed rape upon her and he made video and also sent it to her husband and also sent it in group. On seeing video her husband threw her out of the house. She has three children out of whom two live with her husband and one lives with her. Shravan is a rich person doing work of decoration etc. She gave an application to the police station but no action has been taken. Her husband does not want to keep her. Her family also do not want to keep her. A report be lodged and action be taken.

6. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. It is submitted that the victim is a major, married woman aged about 40 years having three children. It is submitted that during investigation the victim stated of the alleged incident to have been committed around two years back. It is submitted that thus there is unexplained delay in lodging of the F.I.R. It is submitted that charge sheet has been submitted against the applicant on which the court concerned has taken cognizance, para-22 of the affidavit has been placed before the Court for the same. It is submitted while placing para-19 of the affidavit that the applicant has criminal history of two cases apart from the present case in which he is on bail. The applicant is in jail since 08.5.2025.

7. Per contra, learned State counsel opposed the prayer for bail.

8. After having heard learned counsels for the parties and perusing the record, it is evident that the victim is a major, married woman having three children. The victim during investigation stated of the alleged incident to have been committed around two years back and as such there is unexplained delay in lodging of the F.I.R. Investigation in the matter has concluded and charge sheet has been submitted against the applicant on which the court concerned has taken cognizance.

9. Looking to the facts and circumstances of this case, the nature of evidence and also the absence of any convincing material to indicate the possibility of tampering with the evidence, this Court is of the view that the applicant may be enlarged on bail.

10. Let the applicant- Shravan, be released on bail in the aforesaid case crime number on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

i) The applicant will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

ii) The applicant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The applicant will not misuse the liberty of bail in any manner whatsoever. In case, the applicant misuses the liberty of bail during trial

and in order to secure his presence proclamation under section 84 BNSS, 2023 may be issued and if applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under section 209 BNS, 2023.

(v) The applicant shall remain present, in person, before the trial court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 351 BNSS, 2023. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law and the trial court may proceed against him under Section 269 BNS, 2023.

(vi) The trial court may make all possible efforts/endeavour and try to conclude the trial expeditiously after the release of the applicant.

11. The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the applicant to prison.

12. The bail application is allowed.

13. Pending application(s), if any, shall stand disposed of.

(Samit Gopal,J.)

October 5, 2026
Naresh

Digitally signed by :-
NARESH KUMAR
High Court of Judicature at Allahabad