2026:AHC:209485

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 45961 of 2025

Prashant Pandey

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Rajneesh Tripathi
Counsel for Opposite Party(s) : G.A., Manish Kumar Kashyap, Virendra Pal Singh

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Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Rajneesh Tripathi, learned counsel for the applicant who has filed rejoinder affidavit today which is taken on record, Sri V.P. Singh Kashyap, learned counsel for the first informant, Sri B.P. Singh, learned AGA for the State-respondents and perused the record.

2. 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. 364 of 2025 under Sections 64(1), 331(6), 108 BNS registered at Police Station Beewar, District Mainpuri during pendency of the trial.

3. It is contended by learned counsel for the applicant that applicant has been falsely implicated in the present case and on perusal of the attending facts and circumstances of the case, it appears that she was in consensual relationship with the applicant. It is further submitted that on the date of occurrence, applicant is said to have entered into the house of the victim and members of her family entered from the roof of her room and when the applicant was found inside the room of the victim, he was beaten mercilessly and the victim, out of trauma and shame, committed suicide. It is further submitted that medico-legal examination of the deceased-victim could not be conducted nor her statements could be recorded. It is next submitted that victim was a major and married lady and during investigation, it has surfaced that applicant and victim were friends. It is further submitted that applicant has no criminal history and he has been languishing in jail since

08.8.2025. 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.

4. On the other hand, learned A.G.A. as well as learned counsel for the first informant has opposed the prayer for grant of bail to the applicant and submit that applicant committed rape on the victim and he was arrested from the spot and the victim committed suicide out of shame.

5. As per the FIR, applicant is said to have committed rape on the victim by entering into her house. It is submitted that from the attending facts and circumstances of the case, it appears that she was in consensual relationship with the applicant and during investigation, it has surfaced that they were friends. It is submitted that when the victim and the applicant were caught in a room, the victim committed suicide out of shame and there is no evidence regarding abatement of suicide. Postmortem report of the deceased shows two injuries though some abrasion has been found on her thigh and cause of her death has been shown as ante mortem hanging and one ligature mark has also been found on her neck. Applicant has no criminal history and he has been languishing in jail since 08.8.2025.

6. 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.

7. Let the applicant **Prashant Pandey** 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.

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

9. 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.

10. 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.

11. 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 6, 2026
Madhurima

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