



2026:AHC:87285

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 37132 of 2025

Mustaq

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Anup Kushwaha, Sandeep Kumar
Yadav, Yakub Ali
Counsel for Opposite Party(s) : G.A.

Court No. - 65
(Sr. No.83 out of 277)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. As informed by learned A.G.A., notice to the informant has been served on 30.10.2025, but none present on behalf of the informant.
2. Heard Sri Sandeep Kumar Yadav, learned counsel for the applicant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.236 of 2025, under Sections 137(2), 65(1) of BNS, Sections 3/4 of POCSO Act and Sections 3(2)5 SC/ST Act, Police Station- Nebua Naurangiya, District- Kushi Nagar, during the pendency of trial.
4. Learned counsel for the applicant has argued that the statement of the victim is vacillating. On the one hand, she has stated that she used to talk with one Aneesh and was seen by her father, and has subsequently stated that her friend called the applicant to drop her at her house, but instead of dropping her at her house, he raped her. The said allegations do not stand substantiated by any medical evidence whatsoever. The FIR itself is delayed by about two days and there is no explanation of the said delay caused either. The applicant has no criminal history and is in jail since 25.06.2025. He undertakes to cooperate with the trial and not misuse the liberty of bail.
5. Learned A.G.A. has vehemently opposed the bail application but could

not dispute the submissions made by the counsel for the applicant.

6. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay in the institution of the FIR and the fact that the allegations made by the victim do not stand substantiated by any medical evidence, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

7. Let the applicant- **Mustaq**, be released on bail on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

8. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

April 20, 2026

(Ravi Kant)