



2025:AHC:175430

**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**CRIMINAL MISC. BAIL APPLICATION No. - 23414 of 2025**

Arvind Alias Rath

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite  
Party(s)

---

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

---

**Court No. - 67**

**HON'BLE KRISHAN PAHAL, J.**

1. List has been revised. Supplementary affidavit filed today by the learned counsel for the applicant is taken on record.
2. Heard Sri Arun Kumar, Advocate holding brief of Sri Sunil Kumar, learned counsel for the applicant and Sri Arun Kumar Mishra, learned A.G.A. for the State and also perused the material placed on record.
3. Applicant seeks bail in **Case Crime No. 110 of 2025, under Sections 331(4), 74, 351(3), 352 of BNS and Sections 7/8 of POCSO Act, Police Station - Khanpur, District - Bulandshahar**, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR. The FIR is delayed by 16 hours and there is no explanation of the said delay caused. The allegations are regarding the outraging the modesty of the victim only. There is no medical corroboration of the incident as the victim has refused to get herself medically examined.
5. Learned counsel has further stated that the applicant is languishing in jail since 27.05.2025. Criminal history of one case assigned to the applicant has been explained in the affidavit. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.
6. Per contra, learned AGA has vehemently opposed the bail application but unable to dispute the submissions raised by the learned counsel for the applicant.

7. In the case of **Prabhakar Tewari Vs. State of U.P. and another, (2020) 11 SCC 648**, the Supreme Court has observed that pendency of several criminal cases against an accused by itself cannot be a basis for refusal of bail.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, nature of offence, severity of punishment and also considering the delay in lodging the FIR and there being no medical corroboration of the incident as the victim has refused to get herself medically examined, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

9. Let the applicant- **Arvind Alias Rathi**, who is involved in aforementioned case 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

- i) The applicant will not tamper with the evidence during trial.
- ii) The applicant will not pressurise/intimidate with the prosecution witnesses.
- iii) The applicant will appear before the trial court on the date fixed.

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

11. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

**September 26, 2025**  
Siddhant

**(Krishan Pahal,J.)**