



2026:AHC:118044

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. BAIL APPLICATION No. - 13242 of 2026**

Manoj

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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Counsel for Applicant(s) : Narayan Singh(Kushwaha)  
Counsel for Opposite Party(s) : G.A., Ravindra Kumar Dwivedi, Shubham Dwivedi

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**Court No. - 67**

**HON'BLE ARUN KUMAR SINGH DESHWAL, J.**

1. Heard Sri Naryan Singh (Kushwaha), learned counsel for the applicant, Sri Ravindra Kumar Dwivedi, learned counsel for the first informant and Sri Rakesh Kumar Mishra, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No.199 of 2025, under Sections-66(1), 103(1), 238, BNS, Police Station-Sakeet, District-Etah, during the pendency of the trial.
3. Contention of learned counsel for the applicant is that as per the prosecution story, the deceased left the house on 18.11.2025 at 4:00 pm towards the agriculture land to throw the cow dung, when she did not return, the family members started searching her and the body of the deceased was found near the river. The inquest was also conducted on 18.11.2025 wherein the alleged eyewitness, Satendra was also the witness of the inquest. Thereafter, the FIR was lodged on 19.11.2025 against unknown persons. On the next date, statement of the first informant has been recorded wherein he made allegation on the basis of information received from one Satendra that he had seen the present applicant going towards the river and then returning from that side in a wet cloth. The statement of Satendra was also recorded on 20.11.2025 in which he had stated that he had seen the applicant on 18.11.2025 while he was going towards the river where the body of the deceased found and thereafter, returning in a wet cloth. The statements of other eyewitnesses were also recorded on 21.11.2025 and on pointing out of the applicant, one watch of the deceased was alleged to be recovered from the open field.

4. Learned counsel for the applicant has submitted that had the eyewitness Satendra seen the applicant on 18.11.2025 then this fact would have been told by him to the first informant on 18.11.2025 itself and the name of the applicant was not mentioned in the FIR which was lodged on 19.11.2025. Subsequent statements of Satendra and other eyewitnesses create doubt over the prosecution story. It is also submitted mere recovery of one watch which is alleged to belong to the deceased cannot be an evidence against the applicant regarding his involvement in the rape and murder of the deceased. It is further submitted that even as per the FSL report produced by the learned AGA today in pursuance of the order dated 14.05.2026, DNA of the applicant does not match with the DNA found in the vaginal smear of the deceased. There is no incriminating material against the applicant, he has been falsely implicated on the basis of apprehension and doubt. It is further submitted that the applicant has no criminal history. The applicant is a law abiding citizen and he is languishing in jail since 21.11.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned counsel for the first informant and learned A.G.A. have vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

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- **Manoj**, 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.

10. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. 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.

12. Office is directed to send a copy of this order to the applicant through **Etah 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 (Cri.) No.4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685**.

13. This Court has come across number of cases specially where the lady was murdered after committing the rape. In those cases, though vaginal swab and DNA sample of accused were also sent to FSL but in most of the cases, FSL report shows that because of incomplete generation of DNA profile, source of DNA found in the vaginal swab cannot be determined.

14. In the present case also, this Court has to release the applicant on bail for the reason that FSL report does not show that the DNA found in the vaginal smear of the deceased belongs to the applicant

because of insufficient generation of DNA profile. This is biggest anomaly in investigation as well as incomplete facility in the FSL.

15. This Court in the case of **Mevalal Prajapati Vs. State of U.P.** reported in **2026 SCC OnLine All 4981** was apprised by the Director of U.P. FSL that most of the FSL in U.P. are facing problem of vacancy as well as high-end machines which could not generate DNA profile properly. Though, the present case is also related to heinous offence wherein rape was committed upon a lady and subsequently, she was murdered but for want of proper scientific evidence, this Court is constrained to release the applicant on bail, albeit with a heavy heart and great pain.

16. In this case, outdated machine as well as incomplete infrastructure in FSL is the main reason for non-generation of DNA profile and no one can be blamed except the State Government who has many other issues to consider, apart from the issue of providing basic infrastructure to FSL.

17. This Court still expects from the State Government to provide high-end machines to FSL as well as sufficient staff.

18. **Registrar (Compliance)** is directed to send a copy of this order to the Chief Secretary, U.P. for the perusal of Hon'ble The Chief Minister, U.P.

19. Any observations made in the present case shall not affect the trial.

**May 21, 2026**  
S.C.

**(Arun Kumar Singh Deshwal,J.)**