



2025:AHC-210559

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 9437 of 2025

Aznan Khan

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s) : Ram Raj Pandey, Shubham Pandey
Counsel for Respondent(s) : G.A.

ALONGWITH

CRIMINAL APPEAL No. - 10042 of 2025

Furkan Ilahi

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s) : Amar Jeet Singh
Counsel for Respondent(s) : G.A.

Court No. - 87

HON'BLE ANIL KUMAR-X, J.

1. Heard learned counsel for appellants, the victim, the witness Shri Israr Khan, and Shri K.K. Gupta, learned AGA for the State.
2. **Criminal Appeal No.9437 of 2025** under Section 14-A(2) of The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been preferred by the **appellant Aznan Khan** with a prayer to allow the appeal, set aside the bail rejection order dated 08.10.2025 passed by Special Judge (SC/ST Act), Bulandshahar in Bail Application No. 6389 of 2025, and to release the appellant on bail in Case Crime No.708 of 2025, under Section 376D I.P.C & Section 3(2)5 of SC/ST (P.A) Act P/S Kotwali Dehat, District Bulandshahar.
3. **Criminal Appeal No.10042 of 2025** under Section 14-A(2) of The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been preferred by the **appellant Furkan Ilahi** with a prayer to

allow the appeal, set aside the bail rejection order dated 14.10.2025 passed by Special Judge (SC/ST Act), Bulandshahr in Bail Application No.6584 of 2025, and to release the appellant on bail in Case Crime No.708 of 2025 under section 376-D, 354, 354-B, 323, 342, 406, 504, 506 I.P.C. and 3(2)5, 3(1)Da of S.C. & S.T. Act, P.S.-Kotwali Dehat, District-Bulandshahr.

4. It will be pertinent to mention here that victim is present in the Court. The case was taken up in the morning for hearing on bail application. On earlier date, Shri Deepak Kumar Verma, learned counsel appeared before this Court on behalf of the informant. He has sought time on the ground that he has been recently engaged in the matter. Thereafter, he prayed for some time to file counter affidavit. Said proceeding happens on 17.11.2025.

5. Today, the victim alongwith another person Shri Israr Khan, whom she claimed to be witness, appeared before this Court and showed several provisions of SC/ST Act and stated that the entire proceeding of this case should be video recorded. She further stated that either the victim or her witness has a right to appear and to argue before this Court. She further objected the presence of advocates in Court room and stated that the proceedings in such sensitive matter shall not be carried out in the presence of other persons. Considering her request, the case was adjourned in the morning and fixed for hearing at 3:00 pm. It was further requested that the proceedings of the case may be conducted in camera.

6. When the case was taken up for hearing at 3:00 pm, the victim submitted that she has not filed her vakalatnama. She, therefore, sought time to engage another advocate for argument. When a pointed query was raised as to whether notice was served upon her, she verbally refused, stating that no such notice was received.

7. On the said aspect, Shri K.K. Gupta, learned AGA for the State, showed the notice to the victim and the report of the concerned Sub-Inspector of Thana Kotwali Dehat, District Bulandshahr. The concerned Sub-Inspector has clearly mentioned that he, along with the notice, went to the chamber of the victim, but she

refused to accept the notice. When he attempted to paste the notice outside of her chamber, the victim and other advocates objected and became agitated; thereafter he left the spot. On the next day, he again went to the victim's chamber and pasted the notice outside her chamber.

8. Learned counsel for the appellant submitted that the first information report (FIR) in this case has been lodged after a delay of nine years. The victim alleged that in October 2016, she was going to attend a PCS coaching centre. Appellant Furkan met her and offered her to sit in his car and took her near a bus stand. After some time, he took her to a hotel and, despite her refusal, later took her to the residence of his friend appellant-Aznan. Thereafter, the appellant Furkan, co-accused Aznan and the victim ate food. On the direction of appellant-Furkan, the appellant-Aznan bolted the door from outside. Thereafter, the appellant Furkan raped her. When she started screaming, she was convinced by the appellant Furkan that he would marry her, and on that assurance she was persuaded. However, the appellant later refused to marry her and continued to have physical relations with her without her consent. In between, she was also forcibly asked to consume some pills, which resulted in the termination of her pregnancy.

9. Learned counsel for the appellant further submitted that the FIR was lodged against 18 accused persons including the appellants. Out of the eighteen accused, four of them are advocates, and the victim herself is an advocate. The victim herself has a long criminal history and has lodged several criminal cases against the appellant and other accused persons. The lodging of the FIR after nine years of the incident, which occurred in October 2016, is itself sufficient to show that the FIR has been lodged after legal consultation. The appellant, Furkan, lodged the FIR bearing Case Crime No. 0770 of 2025 on 24.08.2025 against the victim. As a counter-blast, this FIR was lodged twenty days after the FIR was lodged by the appellant Furkan.

It was submitted that the said FIR is nothing but an abuse of process of law and that the victim, being an advocate, is taking undue advantage. The appellants are innocent and have been falsely implicated in this case. It was submitted that the impugned orders rejecting the bail applications of the appellants suffer from infirmity and illegality warranting interference by this Court. In such circumstances, the appellants are entitled to bail.

10. Shri K.K. Gupta, learned A.G.A., the victim and the witness Shri Israr Khan have vehemently opposed the prayer for bail and have submitted that so far as the delay in lodging the FIR is concerned, it is relevant that appellant Furkan, after committing the alleged act, consoled the victim and assured her that he would solemnize marriage with her. However, he kept ditching her and did not fulfil his promise. Whenever the victim approached him for solemnization of marriage, he made false promise and took some time for fulfilling his promise. Even the victim approached the family members of the appellant Furkan and complained them about his act. At the initial stage, the family members of Furkan have assured her that the appellant Furkan will marry her. However, at the later stage, the brother of the appellant Furkan stated that Furkan will not marry with the victim. All the conversations, which took place between the appellant Furkan and the victim, and the conversation of the family members of the appellant Furkan have been recorded. Said audios are with the victim. The FIR was initially lodged as Zero FIR at Ghaziabad and thereafter it was transferred for investigation to District Bulandshahr. So far as the contention raised by the appellants that the FIR in Case Crime No.0770 of 2025 was lodged by the appellant Furkan against the victim is concerned, said fact is not correct. Infact, the FIR presently lodged by the victim was registered prior to lodging of FIR by one of the appellants.

11. It was further submitted that FIR against the appellant Furkan was lodged by the victim herself on 19.8.2025. No medical examination of appellant was ever conducted after he lodged FIR. However, victim was medically examined after an FIR was lodged against the appellants. Victim for a long time was misled and abused by the appellants and she

delayed in lodging the FIR on the false assurance of the appellant Furkan. There was no deliberate delay on part of the victim in lodging the FIR. There is a long criminal history of the appellant Furkan and other accused persons and they are constantly threatening and pressuring the victim to withdraw from her prosecution. It was also submitted that the appellants alongwith other accused persons have managed the investigation and the charge-sheet in this case was submitted just after 15 days wherein most of the accused persons were exonerated by the Investigating Officer.

12. I have considered the rival submissions so made and have gone through the entire record including the FIR. It is apparent from the FIR that the alleged incident of rape had occurred way back in October 2016. Victim has admitted that she was not only raped but was also assaulted and abused by the appellants. She has also stated that the appellant Furkan, after the commission of the rape, has also assured her to solemnize marriage with her.

13. Having regard to the facts and circumstances of the case and keeping in view the nature of the offence, evidence, complicity of the accused, the Court is of the opinion that the appellants have made out a case for bail.

14. Before parting with this order, this Court would like to mention that opportunities and rights granted to victim under the SC/ST Act with an intention to afford the victim an opportunity to appear in each and every proceeding should not be misused and abused. Courts shall generally refrain from making any comment upon the conduct of the parties. However, the conduct of the victim in this case was inappropriate considering the fact that she herself is a practicing advocate since the year 2013.

14. Accordingly, the appeals are allowed and the impugned orders rejecting the bail applications of the appellants are set-aside. Pending applications, if any, shall stand disposed of.

15. Let the **appellants, namely Aznan Khan and Furkan Ilahi**, and involved in the aforesaid case be released on bail on 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 appellants will not tamper with the evidence during the trial.
- (ii) The appellants will not pressurize/ intimidate the prosecution witness.
- (iii) The appellants will appear before the trial court on the date fixed, unless personal presence is exempted.
- (iv) The appellants shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected.
- (v) The appellants 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

16. In case of breach of any of the above conditions, the court concerned shall be at liberty to take appropriate coercive action for appearance of the accused or to cancel the bail granted.

November 24, 2025
SK

(Anil Kumar-X,J.)