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HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 345 of 2026

Avinash Sharma

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Rahul Kumar Yadav, Shiv Ram Dubey
Counsel for Opposite Party(s) : Vijay Pratap Singh, Anand Priya Singh,
G.A.

Court No. - 65

(Sr. No.126 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Shiv Ram Dubey, learned counsel for the applicant, Sri Vijay Pratap Singh, learned counsel for the informant, Sri Rajendra Prasad Singh, learned State Law Officer for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.235 of 2025, under Sections 323, 504, 506, 376(2)n IPC, Police Station Rajghat, District Gorakhpur, during the pendency of trial.
4. As per prosecution story, the applicant is stated to have established corporeal relationship with the victim on the false promise of marriage and subsequently refused to comply with the said promise. In the meantime, the applicant is stated to have married elsewhere, while the victim became impregnated by him and was pregnant by about 4 months at the time of institution of the FIR. The applicant thereby threatened the victim to put her to death by crushing her by a truck.
5. Learned counsel for the applicant has argued that the FIR is delayed by at least 7 months, and there is no explanation for the said delay. The story as narrated by the victim indicates her consent. The only dispute was that the applicant is stated to have married elsewhere. The victim is living in the house of the applicant only. She is major aged about 23 years. The applicant

has no criminal history and is in jail since 29.11.2025. He undertakes to cooperate with the trial and not misuse the liberty of bail.

6. Learned counsel for the informant and learned State Law Officer have vehemently opposed the bail application on the ground that the victim is a widow and was impregnated by the applicant due to his lust and then abandoned her. She has nowhere to go, and her offspring has been forced to live a life of destitution and vagrancy; as such, the applicant is not entitled to bail.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration that the matter seems to be of an illicit relationship between major persons, which does not fall within the category of rape, although it may amount to moral turpitude; and that all the acts of a person may be immoral but they may not be an offence, 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**.

8. Let the applicant- **Avinash Sharma**, 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.

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

(Krishan Pahal,J.)

May 6, 2026
(Ravi Kant)