



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 5280 of 2026

Preetam Kumar Gupta

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Anil Kumar Singh, Aryan Srivastava
Counsel for Opposite Party(s) : Aradhana Singh, G.A.

Court No. - 65
(Sr. No.93 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Learned State Law Officer has informed that the notice to the informant has been served on 25.02.2026, but none is present on behalf of the informant.
2. Heard Sri P.C. Srivastava, learned Senior Counsel assisted by Sri Aryan Srivastava, Sri Anand Pratap Singh, learned counsels for the applicant, Ms. Aradhana Singh, learned counsel for the High Court Legal Service Committee, Sri R.P. Patel, learned State Law Officer for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.652 of 2025, under Sections 115(2), 351(3), 352, 64(2)M BNS and Section 5L/6 POCSO Act, Police Station Cantt, District Varanasi, during the pendency of trial.
4. As per prosecution story, the applicant is stated to have established corporeal relationship with the victim on the pretext of purchasing certain floor garners from her and kept on maintaining the said relationship on the false promise of marriage, but subsequently refused to comply with the said promise. In the meantime, the victim is stated to have come to know of the marital status of the applicant, as he was already married; as such, the instant FIR was instituted by her.
5. Learned Senior Counsel for the applicant has stated that the FIR is delayed and as per school certificate, the date of birth of the victim is

05.09.2005. At the time of institution of the FIR, she was major. She has deliberately stated that the relationship was established in the year 2017 to make it fall within the purview of POCSO Act. The statement of the victim, as narrated by her at the stage of recording of her statement under Section 183 BNSS, indicates a different story, whereby the applicant is stated to have asked her to bear him a son, and on her refusal, he is stated to have even refused to comply with the promise of marriage.

6. Learned Senior Counsel for the applicant has further stated that a matter of a consensual relationship has been converted into a criminal case by the informant. It is true that the applicant is a married person now, but he was not married at the initiation, he got married during the subsistence of the said relationship. The act of the applicant may fall within the category of moral turpitude, but no offence is made out, as the relationship was all consensual and there is no medical corroboration of the incident. The applicant has no criminal history and is in jail since 20.11.2025. He undertakes to cooperate with the trial and not misuse the liberty of bail.

7. Per contra, learned counsel for the High Court Legal Service Committee and the learned State Law Officer have opposed the bail on the ground that the applicant had established relationship with the victim since 2017, when she was minor; as such, he is not entitled to bail.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the statement of the victim recorded under Section 183 BNSS and the fact that there is no medical corroboration of the incident, 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**.

9. Let the applicant- **Preetam Kumar Gupta**, 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.

10. Breach of any condition shall entail cancellation of bail. The

observations herein shall not affect the trial on merits.

May 6, 2026
(Ravi Kant)

(Krishan Pahal,J.)