



**HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 23886 of 2025**

Anuj Tomar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	: Rakesh Pati Tiwari, S.P.S. Chauhan
Counsel for Opposite Party(s)	: Deepak Upadhyay, G.A.

Court No. - 65
(Sr. No.105 out of 243)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed today is taken on record.
2. Heard Sri S.P.S. Chauhan, learned counsel for the applicant, Sri Deepak Upadhyay, learned counsel for the informant, Sri Yogesh Mishra, learned State Law Officer for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.239 of 2025, under Sections 69, 125, 308(8), 352, 351(2) BNS and Section 67 I.T. Act, Police Station Sikandrabad, District Bulandshahr, 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, but subsequently it was revealed to the victim that the applicant was already married and had two children from his earlier marriage; as such, there was no question of his complying with the said promise, and the applicant had even video-recorded the said indecent act and posted the said indecent photographs and video on social media, thus maligning her.
5. Learned counsel for the applicant has argued that the FIR is delayed, and it is delayed by about 10 days from the date the fact came to the knowledge of the victim regarding the viral photographs and video. The said consensual relationship continued for about 6 years. The victim and the applicant both are named in several cases; as such, it is a clear-cut case of false implication. There is nothing on record to suggest that the applicant misused his clout, and it was his intention from the inception not to marry the victim. A matter

of consensual relationship between two major persons has been converted into a criminal case by the victim.

6. Learned counsel for the applicant has further argued that it is true that the relationship may fall within the category of moral turpitude and may be against societal norms, but it is not an offence. The criminal history of thirteen cases assigned to the applicant stands explained. The applicant is in jail since 04.04.2025, and he undertakes to cooperate with the trial and not misuse the liberty of bail.

7. Learned counsel for the informant and learned State Law Officer have vehemently opposed the bail application but could not dispute the submissions made by the counsel for the applicant.

8. This Court is of the view that if a case for bail is otherwise made out, an accused cannot be kept incarcerated solely on account of his criminal antecedents. In the instant case, the criminal history attributed to the applicant has been properly explained.

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration that a consensual relationship between two major persons has been converted into a criminal case by the victim, 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**.

10. Let the applicant- **Anuj Tomar**, 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.

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

(Krishan Pahal,J.)

May 12, 2026
(Ravi Kant)