



2026:AHC:71074

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 25430 of 2025

Hashim

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Anand Prakash Dubey, Nafees Ahmad,
Prashant Kumar Dubey
Counsel for Opposite Party(s) : Ashish Tyagi, G.A., Kapil Tyagi

Court No. - 65
(Sl. No. 113 out of 262)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Anand Prakash Dubey and Sri Nafees Ahmad, learned counsels for the applicant and Sri Ashish Tyagi, learned counsel for the informant as well as Sri Ram Mohit Yadav, learned AGA for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 275 of 2025, under Sections 69, 115(2), 352 of BNS, Police Station - Jani, District Meerut, 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 had later on refused to comply with the said promise.
5. Learned counsel for the applicant has argued that the applicant and the victim both are married. There is no clinching evidence to suggest that the applicant misled the victim from the beginning. The informant has converted a failed consensual physical relationship into a criminal case. It is also stated that there is no criminal history of the applicant. The applicant is languishing in jail since 11.06.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Per contra, learned AGA as well as learned counsel for the informant have vehemently opposed the bail application.

7. The Supreme Court in **Pramod Suryabhan Pawar vs. State of Maharashtra and Another, 2019 (9) SCC 608** and **Ansaar Mohammad vs. State of Rajasthan and Another, 2022 SCC OnLine SC 886**, has stated that entering into any kind of corporeal relationship with a person on the false promise to marry cannot be termed as rape.

8. Recently, the Supreme Court in **Kunal Chatterjee vs. State of West Bengal & Ors. (Special Leave petition (Crl.) No. 7004 of 2025)** reiterating the aforesaid viewpoint stated that delayed allegations of consensual physical relations, chiefly when based on a failed promise to marry and unsupported by evidence, do not constitute rape or grounds under POCSO if the circumstances indicate abuse of criminal process and quashed the proceedings to prevent misuse of law.

9. This Court has avoided expressing its opinion as the case hinges on whether the applicant's promise of marriage was genuine or false and whether the physical relationship was consensual or not. It is for the Trial Court to draw a conclusion which will depend on the evidence presented before it and its interpretation as per law.

10. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, and taking into consideration the settled law of the Supreme Court passed in **Satender Kumar Antil vs. Central Bureau of Investigation and Ors., 2022 INSC 690** and **Manish Sisodia vs. Directorate of Enforcement, 2024 INSC 595** and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

11. Let the applicant- **Hashim**, 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.

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

(Krishan Pahal,J.)

April 2, 2026
Siddhant