HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 6653 of 2026

Pawan Sharma

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Dev Prakash Sharma, Girdhar Gopal Kesarwani, Mukesh Chandra Gupta, Priyanka Devi, Shubham Prakash Gupta, Vikrant Neeraj, Vishal Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard Sri Shubham Prakash Gupta, learned counsel for the applicant and Sri Rupak Chaubey, learned A.G.A. for the State-opposite party. Perused the material available on record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 209 of 2025, under Sections 69, 115(2), 351(3), 352 of B.N.S., Police Station- Kareilly, District- Prayagraj, during the pendency of trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The first information report has been lodged belatedly. The informant/victim was a married lady and she was not in a position to marry the applicant. It is next contended that as per the allegations in the first information report, the applicant and the informant/victim were in consensual relationship for a considerable period of time. The consensual sexual relationship which, if continued between the parties for considerable period of time, could not be said to have continued under the 'misconception of fact' under Section 28 B.N.S. and could not be said to be 'sexual intercourse by employing deceitful means' under Section 69 B.N.S. No offence is made out against the applicant. The applicant never promised to marry the victim. It is next contended that there are inconsistencies between the statements of the victim recorded under Section 180 B.N.S.S. and 183 B.N.S.S. The said inconsistencies discredit the

prosecution case at this stage. No indecent video or photograph of the victim has been collected by the investigating officer. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 10.05.2025 having no criminal antecedents and in case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. for the State has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the first information report has been lodged belatedly. No indecent video or photograph of the victim has been collected by the investigating officer. There are inconsistencies between the statements of the victim recorded under Section 180 B.N.S.S. and 183 B.N.S.S. At this stage there is no corroborative evidence to link the applicant with the offence. Moreover, the applicant has no criminal antecedents and has remained confined for more than six months and after submission of the charge-sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant **Pawan Sharma**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence; and,

(iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

October 23, 2026
Manish Kr

(Vivek Varma,J.)

Digitally signed by :-
MANISH KUMAR
High Court of Judicature at Allahabad