2026:AHC:209173

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 25385 of 2026

Zaheer

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rahul Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard counsel for the applicant and Sri V. P. Tripathi, learned AGA for the State-opposite party. Perused the material available on record.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 96 of 2026, under Sections 69, 352 B.N.S., Police Station- Itwa, District- Siddharthnagar, during the pendency of the trial.

3. Learned counsel for the applicant contends that the applicant has been falsely implicated in the present case. The first information report has been lodged belatedly. Placing reliance upon the compromise dated 17.08.2024 annexed as Annexure No.SA-3 to the second supplementary affidavit, it is contended that the informant was a married lady and she was not in a position to marry the applicant. It is next contended that the applicant and the informant/ victim were in consensual relationship for a considerable period of time. The consensual 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 of the B.N.S. and could not be said to be 'sexual intercourse by employing deceitful means' under Section 69 of B.N.S. The applicant never made any promise to marry the victim. The applicant is in jail since 27.05.2026 having no criminal history and in case he is enlarged on bail, he will not misuse the said liberty.

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

6. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the applicant and the victim were in consensual relationship for a considerable period of time. At this stage, there is no

corroborative evidence to link the applicant with the offence. Further, the applicant has no criminal antecedents and has presently remained confined for more than four months and after submission of 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 merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant **Zaheer**, involved in the aforesaid case crime be released on bail on 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;

(iii) shall not pressurize the prosecution witnesses.

8. 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 6, 2026
Abhishek

(Vivek Varma, J.)

Digitally signed by :-
ABHISHEK SINGH
High Court of Judicature at Allahabad