2026:AHC:227974

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 28076 of 2026

Prince Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Alpana Singh, Sunil Kumar Singh
Counsel for Opposite Party(s)	:	Priyanka Devi, G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Sri Sunil Kumar Singh, counsel for the applicant has produced a demand draft of Rs.1,00,000/-, bearing No. 381360 dated 30.10.2026 of State Bank of India in the name of victim/informant.

2. Ms. Priyanka Devi, counsel for the informant has received the said demand draft in the court. An endorsement has also been made in the order-sheet and a photocopy of the said draft has been retained on record.

3. Heard learned counsel for the applicant, Sri N.K. Sharma, learned A.G.A. for the State and Ms. Priyanka Devi, counsel for the informant. Perused the record.

4. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 91 of 2026, under Sections 69, 352, 351(3) B.N.S., Police Station- Bheempurra, District- Ballia during pendency of the trial.

5. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. The applicant and the victim/informant were in a consensual relationship for two years from which a baby boy was born. It is further contended that 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 of 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 has furnished a demand draft of Rs.1,00,000/- in favour of the victim/informant as a security and

expresses his intention to marry her. The applicant is in jail since 21.6.2026 having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.

6. Learned counsel for the informant does not dispute the correctness of the submissions advanced by the counsel for the applicant and submits that she has no objection to the grant of bail to the applicant.

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

8. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the applicant and the victim/informant were in a consensual relationship for considerable period of time. The applicant has already furnished a demand draft of Rs.1,00,000/- in favour of the victim/informant as a security. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant has no criminal antecedents. Further the applicant has presently remained confined for more than four months and 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 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.

9. Let the applicant, **Prince Kumar** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

i. the applicant shall not tamper with the prosecution evidence;

ii. the applicant shall not pressurize the prosecution witness;

iii. the applicant shall appear on each and every date fixed by the trial court.

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

November 2, 2026
S.S.

(Vivek Varma,J.)

Digitally signed by :-
SIDDHARTH SRIVASTAVA
High Court of Judicature at Allahabad