2026:AHC:210754

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 28165 of 2026

Raja

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Kapil Kumar, Vimal Kant
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant, Sri N.K. Sharma, learned A.G.A. for the State and perused the record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 378 of 2026, under Sections 69, 115(2), 352 and 351(3) B.N.S., Police Station- Kankar Kheda, District- Meerut during pendency of the trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. The first information report has been lodged belatedly. The applicant and the informant/victim were consensual relationship for almost two years. 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 never made any promise to marry the victim. The applicant is in jail since 4.6.2026 having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. for the State 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. The applicant and the informant/ victim were in consensual relationship for almost two years. 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.

6. Let the applicant, **Raja** 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.

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.

(Vivek Varma,J.)

October 8, 2026
S.S.

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