2026:AHC:211562

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 29187 of 2026

Suresh Patel

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Dhirendra Babu Mishra, Ravindra Kumar Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant and Sri Neeraj Kumar Sharma, learned A.G.A. for the State-opposite party.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 204 of 2026, under Section 69 B.N.S., Police Station Manjhanpur, District Kaushambi during the pendency of the trial.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. Placing reliance upon the first information report and the statements of the victim recorded under Sections 180 and 183 B.N.S.S., it is contended that the applicant and the victim were in consensual relationship for a period of five years. The consensual sexual relationship which if continued between the parties for quite a long 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. The applicant never promised to marry the victim. The applicant is in jail since 06.06.2026 having no criminal history and if he is released on bail, he will not misuse the said liberty.

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

5. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the applicant and the victim were in

consensual relationship for a period of five years. At this stage there is no corroborative evidence to link the applicant with the alleged offence. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than four months and after submission of the charge-sheet there is no hope of early conclusion of trial, and 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, therefore, 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- Suresh Patel, 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 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 8, 2026
SKT/-

(Vivek Varma,J.)

Digitally signed by :-
SHIVA KANT TIWARI
High Court of Judicature at Allahabad