HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 29729 of 2026

Sachin Nishad

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Shweta Nishad
Counsel for Opposite Party(s)	:	Anjani Kumar Singh, G.A., Stuti Mishra

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Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant and Sri Anupam Anand, learned Brief Holder 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. 301 of 2026, under Sections 69, 352, 351(3) and 123 of the B.N.S., Police Station- Rudrapur, District- Deoria, during the pendency of the 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 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 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 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. No indecent photograph or video 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 24.07.2026 having no criminal history and in case he is enlarged on bail, he will not misuse the said liberty.

4. Learned Brief Holder 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 informant/ victim was a married lady and she was not in position to marry the applicant. Further, the applicant has no

criminal history and has presently remained confined for more than three 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.

6. Let the applicant, **Sachin Nishad** 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.

October 24, 2026
Abhishek

(Vivek Varma, J.)

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