HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 32604 of 2026

Faiz

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Bhuvnesh Kumar Singh
Counsel for Opposite Party(s) : Birendra Singh, G.A., Yash Pratap Singh

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Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Bhuvnesh Kumar Singh, learned counsel for the applicant, Sri Yash Pratap Singh, learned counsel for the informant and Dr. S.B.Maurya, learned AGA-I, for the State.

2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.242 of 2026, under Sections 69,77, 333 and 351(3) BNS, Police Station Kiratpur, District Bijnor during pendency of the trial.

3. Learned counsel for the applicant submits that FIR of the present case was lodged by victim herself against the applicant and according to the FIR and her statements recorded under Sections 180 and 183 BNSS applicant under false promise of marriage made physical relationship with her and even prepared her obscene photographs and video and even made them viral but entire allegations levelled against the applicant are totally false.

4. He further argued that actually applicant and victim both were in consensual relationship and this fact is evident from the record but subsequently some dispute arose between both of them and thereafter victim lodged FIR of the present case.

5. He further argued that victim is married lady aged about 23 years.

6. He further submits that applicant is not having any previous criminal history and in the present matter he is in jail since 09.8.2026 i.e., for the

last more than two and half months.

6. Per contra, learned AGA as well as learned counsel for the informant although opposed the prayer for bail but could not dispute the argument on facts advanced by the learned counsel for the applicant.

7. I have heard learned counsel for the parties and perused the record of the case.

8. However, FIR of the present case was lodged by victim herself against the applicant and according to the FIR and statements of the victim recorded during investigation under the false promise of marriage applicant sexually exploited her and even prepared her obscene video and photographs and made them viral but during investigation alleged obscene photographs and video of the victim have not been recovered.

9. Further, even from the FIR and the statements of the victim recorded during investigation pirma facie she appears to be consenting party and considering this fact the argument advanced by the learned counsel for the applicant that victim and applicant were in consensual relationship and subsequently dispute arose and thereafter he has been made accused, cannot be ruled out at this stage. Further, even victim is major lady.

10. Further, applicant is not having any previous criminal history and in the present matter he is in jail since 09.8.2026, i.e., for the last more than two and half months.

11. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

12. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.

13. Let the applicant-**Faiz** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat

or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

14. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

15. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Sameer Jain,J.)

October 29, 2026
SKM

Digitally signed by :-
SHRAVANA KUMAR MISHRA
High Court of Judicature at Allahabad