HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 10762 of 2026

Ritik

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ankit Srivastava, Ch. Dil Nisar
Counsel for Opposite Party(s)	:	Dhiraj Kumar Pandey, G.A.

Court No. - 70

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard Sri Chaudhary Dil Nisar, Learned counsel for the applicant, Learned A.G.A. for the State and Sri Dhiraj Kumar Pandey, Learned counsel for the informant as well as perused the record.

2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.380 of 2025, under Sections 78(1)(ii), 351(2), 352 B.N.S. and Section 7/8 of POCSO Act, Police Station Kandhla, District Shamli, with a prayer to enlarge him on anticipatory bail as the applicant apprehends his arrest in the abovementioned case.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The mobile number of the applicant has not been used to either call or message the victim. The allegations of molesting or otherwise sexually harassing the victim do not appear in her statement under section 183 BNSS. The father of the applicant used to cultivate the fields of the victim after the death of her father. This led to the property dispute between the parties which has subsequently led to the implication of the applicant in this case. The applicant is an army personnel presently posted at Ladakh (Leh) in the 16th Battalion of the Rajputana Rifles. Applicant has no criminal antecedents.

4. Learned counsel for the informant and Learned AGA have opposed the prayer for anticipatory bail and contended that screenshots and WhatsApp chats, the statement of victim under section 180 BNSS and other material has been collected to demonstrate the misconduct of the applicant. The

victim is a minor, aged about 17 years and 6 months. The applicant has been charge sheeted and as none of the offences entail in the event of conviction a punishment of more than seven years, has no apprehension of arrest and his anticipatory bail application may be dismissed.

5. I have considered the submissions made by the Learned counsels for the parties.

6. The victim in her statement under Section 183 of BNSS states that the property belonging to her father, after his death, had been leased to the father of the applicant for cultivating the fields. The applicant allegedly used to call up and used to force the victim on Instagram asking her to marry him. The applicant is also stated to have threatened the victim, if she didn't marry the applicant, with killing the victim. There is although a mention in the statement of the victim of the applicant threatening to rape her but the same is absent from her statement u/s 180 BNSS. In the medical examination of the victim she has been found to aged between 18-19 years. Prima facie from the statement recorded under Section 180 and 183 of BNSS, no offence under the POCSO Act appears to be made out. The applicant was not arrested during investigation and claims that there is a property dispute between the parties. The applicant is an Army personnel presently posted at Leh. From the entire material on record, false implication of the applicant cannot be ruled out. Although the offences in question do not in the event of conviction entail a punishment of more than seven years but the offences alleged against the applicant include offence under the POCSO Act, which is triable by a Special Court which is a Court of Session.

7. Taking into account the facts and circumstances of the case, I deem it appropriate to enlarge applicant on anticipatory bail.

8. In view of the above, the anticipatory bail application of the applicant is ***allowed***.

9. In the event of the arrest of the applicant-Ritik, he shall be released forthwith in the aforesaid case crime on anticipatory bail on furnishing a personal bond and surety to the satisfaction of the Station House Officer of the police station/Court concerned with the following conditions:-

i. the applicant shall make himself available for interrogation by a police officer as and when required;

ii. that the applicant shall not, directly or indirectly make any 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 to any police officer;

iii. that the applicant shall not leave India without the previous permission of the Court;

iv. that the applicant shall not pressurize/intimidate the prosecution witness;

10. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the bail.

11. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

October 29, 2026
Neeraj

(Rajiv Lochan Shukla,J.)

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