



2026:AHC:171736

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27568 of 2026

Shani Kannojiya

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mangleshwar Verma, Renu Sharma
Counsel for Opposite Party(s)	:	G.A., Sanjeev Kumar Singh

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Mangleshwar Verma, learned counsel for the applicant, Sri Sanjeev Kumar Singh, learned counsel for informant and Sri Imran Khan, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 313 of 2026, under Sections 64(1), 351(3), 352 BNS and Section 5L/6 POCSO Act, Police Station Shahpur, District Gorakhpur during pendency of the trial.
3. Learned counsel for the applicant submits, however, as per allegation, under false promise of marriage applicant sexually exploited the victim for one year and thereafter refused to perform marriage with her but entire allegation leveled against applicant is totally false.
4. He further submits, it is a case of teenage love affair and from the FIR which was lodged by victim herself and even from both the statements recorded under Sections 180 and 183 BNSS it is apparent that she was consenting party.
5. He further submits, actually after two years when some dispute arose between both of them then thereafter victim started making allegation that applicant by deceitful means sexually exploited her. He further submits, victim is major girl aged about 19 years.
6. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 08.07.2026.

7. Per contra, learned AGA as well as learned counsel for informant opposed the prayer for bail and submit, from the record it reflects, applicant sexually exploited the victim since August, 2024 to 2025 and in August, 2024 victim was below 18 years of age and as he under false promise of marriage sexually exploited her, therefore, it cannot be said that applicant is innocent.

8. They further submit, therefore, considering the facts of the case the instant bail application may be dismissed.

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

10. As per allegation, applicant under false promise of marriage sexually exploited the victim i.e. informant of the case for about one year and thereafter he refused to perform marriage with her but it reflects, FIR of the present case was lodged on 06.07.2026 i.e. after about one year. Further, even admittedly at present victim is major girl aged about 19 years.

11. Further, even from the FIR and statements of victim recorded under Sections 180 and 183 BNSS it reflects, she was consenting party.

12. Considering the overall facts and circumstances of the case prima facie it appears to be a case of adolescent love and prima facie at this stage it cannot be said that applicant deceitfully under false promise of marriage sexually exploited the victim.

13. Further, applicant is not having any criminal history and in the present matter he is in jail since 08.07.2026.

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

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

16. Let the applicant - **Shani Kannojiya** 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.

17. 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.

18. 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.

August 14, 2026
AK Pandey

(Sameer Jain,J.)