



2026:AHC:16676

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 2139 of 2026

Pankaj Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ashwani Kumar Pathak, Nitin Chandra,
Raj Banshi Tripathi
Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Shri Vijayanand Maurya, Advocate, has filed his vakalatnama on behalf of informant, which is taken on record.
2. Heard learned counsel for the applicant, learned A.G.A. for the State as well as learned counsel for the informant and perused the material brought on record.
3. Learned counsel for the applicant submits that applicant is absolutely innocent and has been falsely implicated in the present case. In the F.I.R. as well as in her statements recorded under Section 180 & 183 B.N.S.S. the victim has alleged that on the promise of marriage the applicant used to establish sexual relations with her several times and when she pressurized for marriage the parents of applicant also performed her engagement with the applicant, at the time of engagement her father had given four lakh rupees in cash and two lakh rupees for a motorcycle and the date has been fixed for marriage, thereafter, parents of the applicant including the applicant refused to marry her. Learned counsel for the applicant further submits that victim is a major woman aged about 21 years. False and frivolous allegations have been levelled against the applicant. Whatever sexual relations were developed between these two the same were consensual. The engagement was performed between them but for one or the other reasons the marriage could not be solemnized, thus, Section 69 of B.N.S. is not made out. Allegations of blackmail and the money given at the time of engagement, even if assumed to be true, do not attract Section 69 BNS, these are distinct and independent offences, triable in accordance with law. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have also been placed before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been mentioned. It has also been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make

himself available before the court whenever required and is also ready to accept all the conditions which the Court may deem fit to impose upon him. He next submits that the applicant is in jail since 30.11.2025, with no criminal history.

4. Per contra, learned A.G.A. as well as learned counsel for the informant have opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence, but they could not dispute that ingredients of Section 69 of B.N.S. are not attracted in the present case.

5. Considering the overall facts and circumstances, the nature of allegations, the gravity of offence and without expressing any opinion on merits, this Court finds it to be a fit case for bail. Accordingly, the bail application stands allowed.

6. Let the applicant-Pankaj Kumar, be enlarged on bail in Case Crime No. 493 of 2025, under Sections 69, 351(2) of B.N.S. and Section 3/4 of Dowry Prohibition Act, Police Station- A.I.I.M.S., District- Gorakhpur, on executing a personal bond and furnishing two local sureties each in the like amount to the satisfaction of the court concerned with the following conditions:

- i) The applicant shall not tamper with the prosecution evidence.
- ii) The applicant shall not threaten or harass the prosecution witnesses.
- iii) The applicant shall appear on the date fixed by the trial court.
- iv) The applicant shall not commit any offence similar to the offence of which the applicant is accused, or suspected of the commission.
- v) 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 such person from disclosing facts to the Court or to any police officer or tamper with the evidence.

7. In case of default of any of the conditions enumerated above, the court concerned shall be at liberty to cancel the bail of applicant in accordance with law.

(Dr. Gautam Chowdhary,J.)

January 21, 2026
Mustaqeem.