



2026:AHC-LKO:20230

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 1022 of 2025**

Aarav Kaushik

.....Applicant(s)

Versus

The State Of U.P. Thru. Addl. Chief Secy./Prin. Secy.
Home Lko. And Another

.....Opposite Party(s)

Counsel for Applicant(s)	: Nadeem Murtaza, Sheeran Mohiuddin Alavi, Wali Nawaz Khan
Counsel for Opposite Party(s)	: G.A., Ajeet Kumar Yadav, Dr. Shipra Tripathi, Harshvardhan, Himanshu Kumar Tiwari, Mahak Sahu, Saloni Mahawar, Tungesh Pandey

Court No. - 13

HON'BLE SAURABH LAVANIA, J.

1. As per record the service of notice upon the opposite party No.2 is sufficient. However, when the case taken up none appeared to oppose the anticipatory bail application, although name of Shri Ajeet Kumar Yadav, Dr. Shipra Tripathi, Shri Harshvardhan, Shri Himanshu Kumar Tiwari, Ms. Mahak Sahu, Ms. Saloni Mahawar, Shri Tungesh Pandey is printed in the cause list. This Court on 16.03.2026 observed that *"It is made clear that on the next dates of listing, the case would not be adjourned on any ground including the illness and appropriate orders, which includes adversarial order to the side opposite party, would be passed in first call even in the absence of side opposite party."* In the above circumstances, this court proceeded to decide the case finally.

2. Heard Shri Sheeran Mohiuddin Alavi, learned counsel for the applicant, Shri Ajay Kumar Srivastava, learned A.G.A. for the State and perused the material placed on record.

3. The present anticipatory bail application has been filed by the applicant in relation to Case Crime No.180/2025, under Section(s) 69, 115(2), 352 of BNS, Police Station - Chintahat, District - Lucknow East (Police Commissionerate of Lucknow)

4. Vide order dated 14.08.2025, this Court had protected the interest of the applicant. The order dated 14.08.2025, referred, reads as under : -

"1.The present anticipatory bail application has been filed seeking anticipatory bail in case crime No.180 of 2025 under sections 69, 115(2), 352 BNS, P.S. Chintahat, district Lucknow East (Commissionerate Lucknow)

2. Heard Mr. Nadeem Murtaza, learned counsel for the applicant, Mr. Tungesh Pandey, Dr. Shipra tripathi, Ajeet Kumar Yadav and Saloni Mahawar, Advocates who have filed a joint vakalatnama today in court which is taken on record and learned Additional Government Advocate for the State.

3. It is alleged in the prosecution case that the informant met the accused applicant through a matrimonial website and they exchanged talks with each other. It is alleged that in July, 2024, the complainant left for Dubai for a job. The accused applicant has asked the informant to help him for his job in Dubai. Both started to live in Dubai. It is next alleged that on 24.9.2024, at the instance of the accused applicant, the informant transferred some amount to his friend Rajiv. On enquiry, it was found that the said person was a lawyer who was handling applicant's divorce case as he was already married which fact has been concealed by the applicant. On being questioned, the accused applicant has endorsed the fact of marriage and said that soon they would get married. It is further alleged that at the instance of applicant's mother, the complainant gave Rs.5,61,350/- to the applicant for opening a cafe. The accused applicant has established physical relationship at the pretext of marriage with the informant. It is further alleged that from March, 2025, relationship between the applicant and the informant went sour and the informant is allegedly subjected to continuous harassment and demand of dowry of Rs.25,00,000/-.

4. Learned counsel for the applicant submits that the allegations in the prosecution case are false. The applicant married in the year 2022. Out of wedlock, he has a daughter. It is admitted case in the first information report that relationship between the applicant and his wife still exists and they are married couple. This fact is in the knowledge of the prosecutrix according to the first information report itself. Therefore, possibility of rape or sexual exploitation of the prosecutrix on the pretext of marriage is false as also in view of the fact that the prosecutrix is also a married lady. The factum of earlier marriage of the prosecutrix has not been mentioned in the first information report. It is highly improbable for the applicant to commit offence as alleged in the first information report so as to constitute an offence under section 69 BNS. It is further submitted that both are married and aware about each others' relationship and status since beginning. Therefore, allegation of rape on the pretext of marriage per se does not exist.

The dispute in fact is regarding transfer of 50% share of a restaurant which is in the name of the applicant's mother. The ingredients to attract offence under section 69 BNS appear to be missing. Attention of the court has been drawn towards the first information report registered as case

crime No.184 of 2024 against her husband and other family members which shows that she is a married lady. The applicant has no criminal antecedent.

Learned counsel for the applicant undertakes that the applicant shall cooperate in the investigation/ trial.

5.Learned Addl. Government Advocate and learned counsel for the complainant have opposed the prayer made by applicant's counsel.

6.List on 19.9.2025. In the meantime, learned A.G.A. shall file objections/counter affidavit.

7.Considering the above aspects of the matter, the fact that the applicant has no criminal history, the undertaking given on behalf of the applicant that he will cooperate in the investigation/trial, prima facie, ingredients of section 69 BNS appear to be missing, perusal of the record, as also the judgment in Sushila Aggarwal and others versus State (NCT of Delhi) and another (2020)5 SCC 1 and without entering into the merit of the case, it would be appropriate to grant protection to the applicant.

8.In view of the above, as an interim protection, it is provided that in the event of arrest, the applicant shall be released on interim anticipatory bail on his furnishing a personal bond and two sureties of the like amount to the satisfaction of the investigating officer/S.H.O.

The applicant shall report to the investigating officer within ten days from the date of receipt of a certified copy of this order. The investigating officer shall enlarge the applicant on anticipatory bail, as directed above.

9.The applicant shall cooperate in the investigation and he will not influence the witnesses. The applicant shall not leave India sans previous permission of the Court.

In case of default, it would be open for the investigating agency to proceed in accordance with law/ to move application for vacation of this order. "

5. The learned counsel appearing for the prosecution could not demonstrate from the record that there is any adversarial facts which are pleaded in the bail application. This Court finds that the applicant was enlarged on anticipatory bail after considering the merits of the case. The learned counsel for the prosecution also could not point out any fact based upon which it can be inferred that the applicant has not cooperated with the investigation proceedings or otherwise any glaring fact which can adversely affect the merit of the case.

6. In view of the aforesaid, the present anticipatory bail application is hereby **allowed** while extending anticipatory bail to the applicant - **Aarav Kaushik** till disposal of the trial, subject to the following conditions:-

(i) that 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/her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(iii) that the applicant shall not leave India without the previous permission of the court;

(iv) that the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted; and

(v) that the applicant shall not pressurize/intimidate the prosecution witness.

7. In case of default, it would be open for the Investigating Agency to move application for vacation of this order.

March 19, 2026

ML/-

(Saurabh Lavania,J.)