



2026:AHC-LKO:20134

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

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

Shoharab

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And
Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Anand Pratap Singh, Anoop Kumar
Upadhyay, Skand Bajpai

Counsel for Opposite Party(s) : G.A., Ashwini Kumar Tripathi

Court No. - 13

HON'BLE SAURABH LAVANIA, J.

1. Rejoinder affidavit filed by the learned counsel for the applicant and counter affidavit filed by the learned counsel for the complainant, are taken on record.
2. Heard the learned counsel for the applicant, learned counsel for the complainant as well as the learned AGA for the State of U.P. and perused the material placed on record.
3. The present anticipatory bail application has been filed by the applicant in relation to FIR/Case Crime No. 374 of 2024, under Sections- 69, 64(1), 115(2), 351(3), 352 B.N.S., Police Station- Nawabganj, District- Gonda.
4. Vide order dated 20.02.2026, this Court had protected the interest of the applicant. The order dated 20.02.2026, referred, reads as under:-

"1. Heard learned counsel for the applicant, the learned AGA for the State and perused the record.

2. The present anticipatory bail application has been filed by the applicant in relation to Case Crime No. 374 of 2024, under Sections- 69, 64(1), 115(2), 351(3), 352 B.N.S., Police Station- Nawabganj., District- Gonda.

3. While pressing the instant application, the learned counsel for the applicant stated the informant/opposite party No. 2 (hereinafter referred to as "prosecutrix/victim") lodged an FIR on 05.11.2024 at about 19.28 hours at Police Station- Nawabganj, District- Gonda, which was registered Case Crime No. 0374/2024. This FIR was lodged against Bablu @ Afjal, Badshah @ Shoharab (applicant herein) and Ayan.

4. It is further stated that co-accused namely Bablu @ Afjal is the real brother of the applicant/Shoharab (indicated as 'Badshah @ Shoharab' in the FIR) and co-accused/Ayan, as stated on being asked, is the son of the applicant.

5. It is further stated that a perusal of the FIR would indicate that the prosecutrix/victim was in relationship with co-accused/Bablu @ Afjal and this relationship was of about 7

years. The FIR also indicates that co-accused/Bablu @ Afjal established physical relations with the prosecutrix/victim on various occasions on account of false pretext of marriage.

6. It is further stated that a bare perusal of FIR also indicates that the applicant/Shoharab and his son namely Ayan have been implicated just to pressurize the co-accused/Bablu Afjal, who is still at Saudi Arab so that he could, under pressure, solemnize marriage the prosecutrix/victim after coming back from Saudi Arab.

7. It is further stated that no allegation has been levelled by the prosecutrix/victim against the applicant except with regard to attracting the offences as indicated under Sections 115(2), 352, 351(3), akin to Sections 323, 504, 506 IPC (now repealed), in regard to which no evidence is available with the prosecution, and the prosecutrix/victim on being advised has levelled the allegations against the applicant so as to attract the offences as indicated under Section 64(1) B.N.S., akin to Section 376 IPC (now repealed), during investigation while recording her statement before the Magistrate concerned in terms of Section 183 B.N.S.S.

8. It is further stated that as per the aforesaid statement of prosecutrix/victim, after lodging of the FIR against the applicant, his son and his real brother, the applicant reached the house of the prosecutrix/victim and committed rape with her.

9. It is stated that no prudent man would visit the house of a lady who has already levelled the allegations against him and his son.

10. It is further stated that the story as framed by the prosecutrix/victim against the applicant is completely concocted and bogus.

11. It is also stated that medical evidence also does not support the story of the prosecution. In these circumstances, the interest of the applicant is liable to be protected.

12. Considering the aforesaid facts of the case and also the case of prosecution against the applicant indicated in the FIR as well as the medical evidence, this Court finds that the applicant is entitled to interim protection.

13. Accordingly, as an interim measure it is provided that in the event of arrest, the accused-applicant- Shoharab be released forthwith in the aforesaid case crime (supra) on anticipatory bail on furnishing a personal of Rs. 25,000/- and two sureties (one of family member/close relative) each in the like amount to the satisfaction of Station House Officer of the Police Station concerned/Court concerned with the following conditions:-

(i) That the accused-applicant shall make himself available for interrogation by police authorities as and when required and will cooperate with the investigation;

(ii) That the accused-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; and

(iii) That the accused-applicant shall not leave India without the previous permission of the Court.

14. Issue notice to the opposite party No. 2. Steps in this regard be taken within four working days.

15. Let the the opposite party No. 2 be also informed by the SHO, Police Station- Nawabganj, District- Gonda regarding pendency of the instant case.

16. Learned AGA is directed to communicate this order to the SHO concerned forthwith and place the proof regarding the information given by the S.H.O. concerned to the complainant/victim by way of an affidavit when the case is listed next.

17. List/put up this application on 11.03.2026 within top 20 cases."

5. The learned counsel appearing for the prosecution could not demonstrate from the record that there is any adversarial fact 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- **Shoharab** 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.

(Saurabh Lavania,J.)

March 19, 2026

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