



2026:AHC:12327

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 1441 of 2026

Ajay Kumar @ Anshu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ram Kishor Gupta, Shiv Shankar Gupta
Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material placed on record.
2. By means of the instant bail application, the applicant, Ajay Kumar @ Anshu, seeks bail in Case Crime No. 417 of 2025, under Section 69 of B.N.S., Police Station Rath, District Hamirpur.
3. The F.I.R. dated 17.09.2025 was lodged by the victim herself alleging therein that on 13.10.2024 the applicant had enticed away her with him on the false promise of marriage and took her to Delhi where he kept her for a month and also established sexual relations with her, thereafter, the applicant took her to his parental house and kept her for three months and also established sexual relations with her, thereafter, he took her again to Delhi where also he established sexual relations with her and suddenly on 13.08.2025 he left her.
4. Learned counsel for the applicant submits that applicant is absolutely innocent and has been falsely implicated in the present case. Learned counsel for the applicant further submits that though 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 false promise of marriage the applicant used to establish sexual relations with her several times, thereafter, he left her and had not marry her. Learned counsel further submits that the victim is major and married woman aged about 34 years and disputes have been arisen between the victim and her husband. From the entire prosecution version it appears that victim was in relationship with the applicant and whatever sexual relations were developed between them that were consensual, thus, ingredients of Section 69 of B.N.S. cannot be said to be attracted, therefore, it appears that applicant has falsely been implicated in the case with false and frivolous allegations and malafide intention. He next submits that the applicant is in jail since 19.09.2025, with no

criminal history.

5. Per contra, learned A.G.A. has opposed the prayer for bail and has submitted that from the averments made in the F.I.R. as well as from perusal of statements of the victim recorded under Sections 180 & 183 BNSS it is evident that knowing that victim is a married lady and some disputes have been arisen between the victim and her husband, the applicant by alluring the victim for false promise of marriage had established sexual relations with her, therefore, Section 69 of B.N.S. is attracted in this case, therefore, the present bail application deserves to be rejected.

6. Keeping in view submissions of learned counsel for the parties, gravity of offence, nature of allegations and all the attending facts and circumstances of the case and considering the fact that the victim is a married lady and some disputes have been arisen between the victim and her husband, the applicant by alluring the victim for false promise of marriage had established sexual relations with her, therefore, Section 69 of B.N.S. is attracted in this case, therefore, there is active participation of applicant in the commission of offence, hence no case for bail is made out.

7. Accordingly, the bail application of applicant-Ajay Kumar @ Anshu, is **rejected**.

(Dr. Gautam Chowdhary,J.)

January 19, 2026

Mustaqeem.