



2026:AHC:37991

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 5882 of 2026

Ajay

.....Applicant(s)

Versus

State Of U.P. And 4 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Deepankar Shukla, Mukesh Kumar
Pandey

Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Short counter affidavit along with vakalatnama of Shri Pawan Kumar Sharma, Advocate, filed on behalf of victim is taken on record.
2. Heard learned counsel for the applicant, learned A.G.A. for the State as well as Shri Pawan Kumar Sharma, learned counsel for the victim and perused the material brought on record.
3. Victim has also appeared in the Court on her own volition and has submitted that she had already solemnized marriage with the applicant and a male child has also been born out of their wedlock. She is living in her matrimonial house along with her newly born child and the applicant's family members have also accepted her as legally wedded wife of the applicant. The said undertaking given by the victim is taken on record and is marked as, 'X'.
4. Learned counsel for the victim has also drawn attention of the Court to paras-3 and 4 of the short counter affidavit filed today on behalf of informant, wherein victim states that she does not wish to prosecute the applicant further as she has already solemnized marriage with him and out of their wedlock one male child has also been born. Now, she is living in her matrimonial house happily. However, he stated that some condition may be imposed upon the applicant so that he cannot run away from keeping the victim as his legally wedded wife.
5. Learned counsel for the applicant submits that as per the prosecution case the victim was about 18 years of age at the time of alleged occurrence. The applicant is ready to keep the victim and her child in his house happily, therefore, he may be enlarged on bail. The applicant is in jail since 06.01.2026, with no criminal history.
6. Learned A.G.A. for the State has also no objection to the prayer made

on behalf of applicant.

7. Considering the overall facts and circumstances, the nature of allegations, gravity of offence and considering the fact that both the applicant are ready to solemnize marriage with each other, without expressing any opinion on merits, this Court finds it to be a fit case for bail. Accordingly, the bail application stands allowed.

8. Let the applicant-Ajay, be enlarged on bail in Case Crime No. 801 of 2024, under Sections 137(2), 87, 64(1) of B.N.S. and Section 5j(ii)/6 of Protection of Children From Sexual Offences Act, Police Station- Dibiyapur, District- Auraiya, 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 solemnize marriage with the victim within one month of his release.
- ii) 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.

9. In failure to comply this order, the victim shall be at liberty to move appropriate application for cancellation of bail granted to the applicant.

(Dr. Gautam Chowdhary,J.)

February 18, 2026

Mustaqeem.