



2026:AHC:56216

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 2548 of 2026**

Urooz Alam

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Irshad Ahmad

Counsel for Opposite Party(s) : Gaurav Tiwari, Mumtaz Ahmad
Siddiqui, G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Supplementary Affidavit filed today is taken on record.
2. Heard Sri Kamal Krishna, Learned Senior Counsel assisted by Shri Irshad Ahmad, Learned counsel for the applicant, Shri Mumtaz Ahmad Siddiqui, Learned counsel for the informant and learned A.G.A. for the State as well as perused the record.
3. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No. 0208 of 2025, under Section 87, 127(2), 64(1), 351(1) BNS, Police Station- Mainather, District Moradabad, with a prayer to enlarge him on anticipatory bail.
3. Learned Senior counsel for the applicant states that the applicant has been falsely implicated in the present case. The allegations made are without any basis. The FIR is delayed by 18 days and no plausible explanation for the delay has been given. There is no medical evidence to support the allegations of rape. The victim is a doctor by profession and being a highly educated lady would not have sat quiet if the incident, as alleged, had occurred. Learned Senior Counsel further submits that the parties are related to each other and the victim is the cousin of the applicant. Learned Senior Counsel also relies upon the nikahnama to contend that a valid marriage had been performed between the applicant and the victim. The applicant is ready to fulfill his duties as husband and keep his wife. The applicant has no criminal antecedents.

4. Shri Siddiqui, Learned counsel for the informant, on the other hand, contends that the applicant played a fraud upon the victim. The applicant called the victim to Dingarpur on false pretext and then, on the strength of a firearm, committed rape upon her. He further submits that the FIR and the statement of the victim corroborate each other, and the applicant, being the primary accused of the case, does not deserve any indulgence by this Court.

5. Learned AGA has also supported the submissions made by the Learned counsel for the informant. He, however, could not point out any criminal antecedents of the applicant.

6. I have heard the Learned counsels for the parties.

7. As per the FIR, the applicant and the victim are cousins. A marriage was promised between the parties in the year 2018, however, on the father of the victim finding out that the applicant was a wayward boy opposed the marriage. It is disclosed in the FIR that during this period, the applicant and the first informant were in contact with each other and the first informant then refused to perform the marriage with the applicant against the wishes of her father. The applicant had by that time married one Ikara and had also been divorced. It is then stated in the FIR that the marriage of the applicant was fixed to another cousin to be performed on 03.10.2025 and when on 27.09.2025, the applicant called up the victim and asked her to come to Dingarpur on the pretext of supposedly deleting the recordings and papers that were in his possession. There, it is stated that the victim was raped at gunpoint and a marriage was forcibly performed. She was made to sign on the nikahnama and thereafter dropped at Kundarki, Zero Point.

8. The sequence of events narrated in the FIR indicates that after 27.09.2025, the victim was neither kept in confinement nor coerced. She did not get her medical performed, being a medical professional herself, as it has been stated in the FIR that she was doing internship for the BUMS course. The application for lodging the FIR was moved on 05.10.2025, i.e., after about 8 days of the occurrence. The marriage being performed has not been denied; however, it has been stated that her

signatures were obtained by using force. The statement of the Kazi, who had performed the marriage, has been filed alongwith affidavit accompanying bail application, which has been recorded by the police during investigation, indicates that the victim had given her consent for the marriage and the marriage had been performed in the presence of witnesses. Although the witnesses named in the Nikahnama are also arrayed as accused in the FIR, however, prima facie it appears to the Court that no coercion was used for performing the nikah. The applicant still stands by the nikah that has been performed and has expressed his willingness to perform his marital duties towards his wife.

9. In the opinion of the Court, the victim, who is aged about 25 years, had consented to performing the marriage and prima facie the delayed FIR makes the version set out in the FIR suspect. There is no medical examination to support the allegations of rape. The applicant has no criminal antecedents. The victim and the applicant, as per the FIR, were in touch with each other since 2018. Even after the divorce of the applicant from his first wife, the applicant's family had approached the father of the victim for marriage.

10. In view of all these facts and circumstances, taking into account the nature of allegations, the evidence collected during the investigation, the gravity of the offence as alleged, I deem it appropriate to enlarge the applicant on anticipatory bail.

11. In view of the above, the anticipatory bail application of the applicant is ***allowed***.

12. In the event of the arrest of the applicant-**Urooz Alam**, he shall be released forthwith in the aforesaid case crime on anticipatory bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Station House Officer of the police station/Court concerned with the following conditions:-

- i. 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 from disclosing such facts to the Court or to any police officer;

iii. that the applicant shall not leave India without the previous permission of the Court;

iv. that the applicant shall not pressurize/intimidate the prosecution witness;

13. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the bail.

14. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

March 19, 2026

A. Pandey