



2026:AHC:57396

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 2661 of 2026**

Rahul Jain

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Dinesh Kumar Gautam, Manish Kumar Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Sri Utkarsh Khanna, Advocate, has filed his Vakalatnama on behalf of the informant, which is taken on record.
2. Heard learned counsel for the applicant; Sri Utkarsh Khanna, learned counsel for the informant, and learned A.G.A. for the State.
3. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No. 71 of 2026, under Section 69 of the B.N.S., 2023, Police Station – Vijaynagar, District Ghaziabad, with a prayer to enlarge him on anticipatory bail, till the conclusion of the trial.
4. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and he seeks anticipatory bail on the following grounds :-
 - i. It is an admitted case in the First Information Report (FIR) that the applicant and the victim were in a consensual relationship.
 - ii. The victim is a married woman having an eight year old child and is not divorced. Therefore, no valid promise of marriage could have been made by the applicant, as no lawful marriage could have been entered into between the parties.
 - iii. The allegations regarding forcibly establishing physical relations by threatening to make videos and photographs of the victim viral are wholly

false and are not based on any material.

iv. The applicant has no criminal antecedents and undertakes to cooperate with the investigation and trial, if any.

v. The applicant further undertakes not to tamper with evidence or intimidate the witnesses.

5. Sri Khanna, learned counsel for the informant, on the other hand, contends that the applicant is the primary accused in the present case, who took undue advantage of the victim and established physical relations with her. It is further alleged that the applicant is now threatening to make videos and photographs viral. The victim was pregnant with the applicant's child. The offence alleged against the applicant is quite grave and he may not be granted any indulgence by this Court.

6. Learned A.G.A. has adopted the submissions advanced on behalf of the informant, but does not dispute that the applicant has no criminal antecedents.

7. I have considered the submissions made by the learned counsel for the parties and perused the material on record.

8. A perusal of the FIR indicates that the applicant and the victim were pursuing EMT training together. The applicant is alleged to have proposed marriage to the victim. The victim mentions in the FIR that the applicant threatened to kill himself and promised that in future, once the victim divorces her husband, he would marry her. It is admitted in the FIR that consensual physical relations were established between the parties. It further appears that upon the victim's husband becoming aware of the relationship, the victim sought to end it. Many other allegations have been made in the FIR, which are not required to be examined at this stage. However, on the face of the record, it appears that the victim is still married to her husband.

9. Once the victim cannot enter into marriage with the applicant, then offence under Section 69 B.N.S. of making a false promise of marriage or inducing sexual intercourse by making a false promise or through deceitful means cannot be attracted. The victim is an educated woman and

a mother of an eight years old child. It has been mentioned by the learned counsel for the applicant that she is living separately from her husband. In such circumstances, *prima facie*, this Court is of the view that offence under Section 69 of the B.N.S. may not be made out. The applicant has no criminal antecedents.

10. In view of all the above mentioned facts and circumstances of the case, I deem it appropriate to enlarge the applicant on anticipatory bail.

11. The anticipatory bail application of the applicant is **allowed**.

12. In the event of the arrest of the applicant- **Rahul Jain**, involved in the aforesaid case crime, he shall be released on anticipatory bail on his 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
Kushal