



2026:AHC:63484

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 2673 of 2026**

Pawan Kumar Sahani

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Abhishek
Counsel for Opposite Party(s)	:	Akash Tyagi, G.A., Neha Tyagi

Court No. - 72

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard Learned counsel for the applicant and Shri Akash Tyagi, Learned counsel for the informant and Learned A.G.A. for the State as well as perused the record.
2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.937 of 2025, u/s 69 of B.N.S. P.S. Khankarkheda, District Meerut, with a prayer to enlarge him on anticipatory bail, during the pendency of trial.
3. Learned counsel for the applicant states that the applicant has been falsely implicated in the present case. He contends that the averments made in the FIR do not constitute an offence under Section 69 BNS. He further submits that the applicant is a young man aged about 21 years and as per the version of the victim in the statement under Sections 180 and 183 BNSS, the applicant and the victim were in a relationship, which started on Instagram. The applicant is also related to the victim, being the cousin-in-law (Chachera Devar) of the sister of the victim. He further contends that statement under Sections 180 and 183 Cr.P.C., on the face of it, does not make out an offence under Section 69 BNS.
4. Learned counsel for the informant, on the other hand, contends that the applicant induced the victim into having physical relations on a false promise of marriage. He contends that now the applicant has denied to marry the victim and this clearly makes out an offence under Section 69

BNS.

5. Learned AGA has supported the submissions made by the Learned counsel for the informant.

6. I have considered the submissions of the Learned counsels for the parties.

7. From a perusal of the FIR, prima facie, it appears that there was no false promise of marriage. The statements of the victim under Sections 180 and 183 BNSS indicate that the victim and the applicant became friends on Instagram and the victim also fell in love with the applicant. Although there is a statement with respect to a promise of marriage, however, in both the statements, it has not been stated that the promise of marriage was false or that the physical relations were induced on such false promise of marriage. The statements under Sections 180 and 183 BNSS are being reproduced herein below:-

"बयान वादिया/पीडिता अन्तर्गत धारा 180 बीएनएसएस बयान पीडिता अंतर्गत धारा 180 BNSS संबंधित मु०अ०सं० 937/25 धारा 69 BNS थाना कंकरखेड़ा मेरठ ने पूछने पर बताया कि मेरा नाम xxxxx है। मेरे पिता का नाम श्री xxxxx है। मैं xxxxx की रहने वाली हूँ। मेरी उम्र 19 वर्ष है। मैं B.A. फाईनल ईयर की पढ़ाई कर रही हूँ। मेरी दीदी के देवर ने इंस्टाग्राम पर बात की थी। मैं उससे मिली भी थी उससे फीजिकल हुई और उसके थोड़े दिन बाद ही उसने मना कर दिया कि मैं तुमसे शादी नहीं करूंगा मेरे से कोई contact मत करना। यही मेरा बयान है। प्रश्न 1). क्या नाम है लड़के का व कहाँ का रहने वाला है उत्तरपान साहनी, लखनऊ का रहने वाला है। उसकी उम्र 21 वर्ष है। प्रश्न 2) तुम क्या चाहती हो उत्तर पवन से शादी करना। पीडिता द्वारा जो भी कहा गया मुझे म०उ०नि० द्वारा शब्द व शब्द लिखा गया जिसे पीडिता को पढ़कर सुनाया गया। हस्ताक्षर अंग्रेजी अपठित 23/12/25 साक्षी दाहिया (म०उ०नि०) थाना कंकरखेड़ा जनपद मेरठ।

अवलोकन बयान धारा 183 बीएनएसएस पीडिता xxxxxx उम्र 19 वर्ष (बताने पर) ने सशपथ बयान किया कि मेरी दिसंबर 2024 में इंस्टाग्राम पर पवन कुमार साहनी से बातचीत हुई थी वह मेरी दीदी का चचेरा देवर है हमारी बातचीत हुई तो पवन ने कहा कि वह मुझसे प्यार करता है मुझसे शादी करना चाहला है मैं भी उसे प्यार करने लगी फिर मार्च 2025 को पवन मेरठ आया और मुझे मरीना होटल मेरठ में ले गया वहां पर मेरे साथ सेक्स किया बोला मैं तुझसे शादी करूंगा हमारी बातचीत होती रही दूसरी बार मैं मुझे जून 2025 में मिला फिर मुझे मदीना होटल ले गया मेरे साथ सेक्स किया 22 जुलाई को उसने मुझसे बात करना बंद कर दी जब बात परिवार वालों को पता चली तो मेरे परिवार वालों ने उसके घर में बात की पवन के घर

वालों ने और पवन ने शादी करने से इनकार कर दिया जब मैं केस किया तो फिर उन लोगों ने सुलह करके शादी करने की बात कहीं लेकिन शादी नहीं की और चले गए। यही मेरा बयान है मुझे और कुछ नहीं कहना है।"

(some parts of the statement have been redacted to conceal the identity of the victim).

8. In the opinion of the Court, the statements of the victim do not make out a case under Section 69 BNS. The applicant is said to have no criminal antecedents and is a young man aged about 21 years.

9. In view of all the facts and circumstances, as discussed above, I deem it appropriate to grant anticipatory bail to the applicant.

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

11. In the event of the arrest of the applicant-**Pawan Kumar Sahani**, 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;

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

13. 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 26, 2026
A. Pandey