



2026:AHC:61605

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 2802 of 2026**

Taiyab

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Atul Srivastava, Mohd. Farooq
Counsel for Opposite Party(s)	:	G.A., Santosh Kumar Tiwari

Court No. - 72

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard, Learned counsel for the applicant, Sri Santosh Kumar Tiwari, Learned counsel for the informant, the Learned A.G.A. for the State and perused the record.

2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.83 of 2026, under Sections 69, 89, 351(2) of B.N.S., Police Station- Najibabad, District- Bijnor, with a prayer to enlarge him on anticipatory bail.

3. The Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The victim and the applicant, as per the version set up in the First Information Report, were in a romantic relationship and it has been alleged that on a promise of marriage, the victim and the applicant established physical relation. The victim states that she, on the promise of marriage by the applicant, even after her Nikah to another person, did not establish physical relation with him. The Learned counsel for the applicant contends that this shows the depth of affection which the applicant and informant had for each other. The Learned counsel for the applicant contends that it is under pressure of the family members of the victim that this First Information Report has been lodged.

4. The Learned counsel for the informant, Sri Santosh Kumar Tiwari, has opposed the prayer for grant of anticipatory bail and has contended that

the applicant made a false promise of marriage just to gain the advantage of the victim. The victim did not establish any physical relation with her husband and was also divorced by him on such refusal. It is thereafter that the applicant has refused to marry the victim, which clearly makes out a case under Section 69 B.N.S., 2023.

5. The Learned A.G.A. has also supported the contentions raised by the Learned counsel for the informant.

6. I have considered the submissions made by the Learned counsels for the parties and perused the record.

7. It is an admitted fact that the applicant and the victim were in a romantic relationship. It is during the persistence of this relationship that the victim is stated to have married one Sameer. It is also evident from the statement of the victim recorded under Section 183 B.N.S.S. that she has now been divorced. It appears from the record that the long standing relationship between the applicant and victim has turned sour, and in the opinion of the Court, such a long-standing relationship would not constitute an offence under Section 69 B.N.S., 2023. Even otherwise, the applicant is not reported to have any criminal antecedents and the applicant is stated to be preparing for his competitive examinations. The allegations made in the First Information Report do not require any custodial interrogation.

8. Taking into account the overall facts and circumstances of the case and without expressing any opinion on the merits of the case, I deem it fit to enlarge the applicant on anticipatory bail.

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

10. In the event of the arrest of the **applicant-Taiyab**, 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;

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

12. 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 25, 2026
Sachin