



2026:AHC:56962

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 2334 of 2026**

Harendra @ Harindra Chauhan

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Raghvendra Pratap Rajan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard, Learned counsel for the applicant, 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.337 of 2025, under Sections 87, 137(2), 64(1) BNS and Section 3/4 of Protection of Children from Sexual Offences (POCSO) Act, 2012, Police Station- Lalpur/Pandeypur, District-Varanasi, with a prayer to enlarge him on anticipatory bail.
3. The Learned A.G.A. has informed that notice as mandated under the POCSO Act has been served on 10.3.2026.
4. The Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He contends that the victim is major. He further contends that the victim and the applicant had performed marriage. There was no threat, coercion or undue influence. The victim is said to be pregnant with the applicant's child. The applicant has no criminal antecedents.
5. The Learned A.G.A. has opposed the prayer for grant of anticipatory bail and has stated that the victim is a minor aged about 17 years and consent of a minor is meaningless. The Learned A.G.A. has also stated that the victim being pregnant with the applicant's child clearly shows that the applicant has sexually assaulted the victim. The Learned A.G.A. however, has been unable to dispute the fact that the applicant is having

no criminal antecedents.

6. The Learned A.G.A. has raised an objection that the applicant and the victim belong to different religions and could not have been performed marriage.

7. I have considered the submissions made by the Learned counsels for the parties and perused the material brought on the record.

8. *Prima facie*, it appears that the applicant and the victim were in a relationship. The victim in her statement recorded under Section 183 BNSS has clearly stated that she had gone with the applicant and had married with him. They had also started living together on rent. She was caught by the police when she had gone for some work to the ring road. She has stated that they had married as the victim had been pregnant with the applicant's child.

9. So far as the objection raised by the Learned A.G.A. is concerned, although the same is sustainable, however, the statement of the victim does not indicate that she was forcibly made to convert to another religion. Furthermore, the victim has filed an affidavit before the Sessions Court, at the time of consideration of the bail application of the applicant, in which, she has clearly stated in paragraph No.3 that she is in love with the applicant and is pregnant with his child. She out of her own sweet will, had married to the applicant and she wanted to live with him.

10. Taking into consideration the facts and circumstances of the case, in the *prima-facie* opinion of the Court, the applicant and the victim were in a romantic relationship. The victim is stated to be 17 years of age and is on the cusp of majority. There is no medical determination of age. An application was moved by the mother of the applicant before the A.C.J.M., Court No.1, Varanasi seeking radiological examination of the victim for determination of her age, however, the same has been rejected.

11. Considering all the facts and circumstances of the case as discussed above and without expressing any opinion on the merits of the case, I deem it fit to enlarge the applicant on anticipatory bail.

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

13. In the event of the arrest of the **applicant - Harendra @ Harindra Chauhan**, 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;

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

15. 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

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