



2026:AHC:66018

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 2773 of 2026**

Shivraj @ Suraj

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ajay Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

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.215 of 2025, under Sections 87, 137(2) of B.N.S., Police Station- Kokhraj, District- Kaushambi, with a prayer to enlarge him on anticipatory bail as the applicant apprehends his arrest in the above-mentioned case.
3. Learned counsel for the applicant submits that the applicant and his brother have been falsely implicated in the present case. The statement of the victim recorded under Section 183 BNSS indicates that the victim has set up an absolutely improbable version, where the applicant from the roof of the victim's house is said to have abducted the victim by making her smell some intoxicating substance. The victim also claims to have been taken to the police by the mother of the applicant. No sexual offence has been alleged in the First Information Report. The Learned counsel for the applicant further contends that victim again eloped with another person, for which another First Information Report was lodged being Case Crime No.305 of 2025, in which also the applicant was nominated. However, in the statement recorded in that case, no wrong doing was alleged against the applicant. In the statement recorded under Section 180 BNSS in Case Crime no.305 of 2025, the victim has claimed to be 18 years of age. He further submits that no admissible proof of age, like the High School Certificate, has been collected during investigation to

indicate that victim was minor. The victim, in fact, is major and the applicant, from the entire material clearly, has not abducted the victim.

4. The Learned A.G.A. has opposed the prayer for grant of anticipatory bail. He, however, could not dispute the fact that the victim in her statement recorded under Section 180 BNSS in Case Crime No.305 of 2025, has stated to be 18 years of age. The Learned A.G.A., however, has pointed out one other criminal case being Case Crime No.62 of 2023, under Sections 323 & 506 I.P.C., Police Station- Kokhraj, District- Kaushambi.

5. Rejoining the issue, the Learned counsel for the applicant, states that applicant is unaware of the said case and even otherwise, the maximum punishment in the said case would be seven years.

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

7. A perusal of the statement recorded under Sections 180 BNSS and 183 BNSS of the victim, indicates that the victim claims to be 15 years of age. However, although she is stated to have passed Class-XII, no documents in the form of High School Certificate or Intermediate or its equivalent has been collected to demonstrate that the victim is a minor. It also appears that during investigation, the provisions of the POCSO Act have not been added. In Case Crime No.305 of 2025, the victim in her statement, claimed that she is 18 years of age. The victim is said to have been taken to the police station by the mother of the applicant herself. The criminal history of the applicant has satisfactorily been explained. Prima facie, in the opinion of this Court, the applicant may have been falsely implicated in the present case.

8. Taking into account all the facts and circumstances of the case as discussed above, gravity and nature of allegations made against the applicant and especially the fact that no sexual assault has been alleged against the applicant, 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- Shivraj @ Suraj**, 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 30, 2026

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