



2026:AHC:64684

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 2227 of 2026**

Akbar Ali

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Anish Kumar Sinha, Manoj Kumar
Maurya
Counsel for Opposite Party(s) : G.A.

Court No. - 72

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard Learned counsel for the applicant 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.547 of 2025, under Section 69, 115(2), 352, 351(3) BNS, Police Station- Gorakhnath, District Gorakhpur, with a prayer to enlarge him on anticipatory bail as the applicant apprehends his arrest in the abovementioned case, 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 applicant has never made any false promise of marriage. The victim is a married woman, who has four children and is not yet divorced. In such circumstances, he contends that there cannot be any promise of marriage when marriage is impermissible. The victim, while lodging the FIR, has concealed her marital status. He further contends that the alleged victim had lodged a complaint against the applicant before the Commandant, 26th Battalion SSB, Ranchi, Jharkhand, where the applicant was serving at the relevant time, and the Deputy Commandant therein, who was also the investigating officer, had submitted a fact-finding report, which has been quoted in paragraph No.14 of the affidavit, wherein the informant was found accused of manipulating Aadhaar details and could not produce substantial evidence to support her claim.

4. Learned counsel for the applicant further submits that the wife of the applicant had lodged an FIR by filing an application under Section 173(4) BNSS against the informant under Sections 319(2), 318(4), 351(3), 352, 308(3), 131 BNS, which has been registered as Case Crime No. 343 of 2025. The applicant is a Head Constable GD in the Sashastra Seema Bal and is not a flight risk. The applicant has no criminal antecedents.

5. Learned AGA has opposed the prayer for anticipatory bail and has contended that the applicant has made a false promise of marriage and induced the informant to have physical relations with him. He, however, does not deny the fact that the victim is a married woman having four children.

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

7. The victim is stated to be a married woman and has not yet been divorced. She has four children. An FIR against the victim has also been lodged at Maharajganj by the wife of the applicant. In the inquiry, part of which has been quoted in paragraph No.14, it appears that the victim has raised the claim of being the legally wedded wife of the applicant before the Commandant, 26th Battalion, SSB. The contents of paragraph No.14 of the affidavit have not been denied in the comments received by the Learned AGA.

8. In view of this conflict between the inquiry conducted by the SSB, the averments made in the FIR and also the fact that the victim is a married woman, prima facie, an offence under section 69 BNSS is not made out. In view thereof, I deem it appropriate to grant anticipatory bail to the applicant.

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-**Akbar Ali**, 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 28, 2026

A. Pandey