



2026:AHC:40059

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 5401 of 2026

Ankur

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Abhai Kumar Singh, Achal Kumar Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant as well as learned A.G.A. for the State and perused the material brought on record.

2. Learned counsel for the applicant submits that in the F.I.R. the informant alleges that the applicant by making false promise of marriage with his daughter aged about 19 years, he used to establish sexual relations with her for the last six months, he had also made her obscene video and photograph and is giving threats to make viral such video and photographs. Though the victim, in her statement recorded under Sections 180 & 183 BNSS, has made allegation that on the false promise of marriage the applicant had established sexual relations with her for six months, but there are material contradictions in her both the statements as in her statement recorded under Section 180 BNSS the victim states that applicant had sexually assaulted her for last six months, whereas, in her statement recorded under Section 183 BNSS she states that in the year 2023 when she went to the applicant house, the applicant after serving her intoxicated cold drink committed her rape first time. There is no prior complaint made by the victim in this regard. Further, prosecution also alleges that applicant had made obscene video and photographs of the victim but during the course of investigation no such video or photograph was recorded, as such applicant has not been implicated under the provisions of I. T. Act, Thus, it appears that applicant has been implicated in the case with false and frivolous allegations with malafide intention and due to ulterior motive. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have also been placed before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been mentioned. It has also been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required and is also ready to accept all the conditions which the Court may deem fit to impose upon

him. He next submits that the applicant is in jail since 31.07.2025, with no criminal history.

3. Per contra, learned A.G.A. has opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence.

4. Considering the overall facts and circumstances, the nature of allegations, the gravity of offence and without expressing any opinion on merits, this Court finds it to be a fit case for bail. Accordingly, the bail application stands allowed.

5. Let the applicant-Ankur, be enlarged on bail in Case Crime No. 394 of 2025, under Section 69, 77, 351(3) of B.N.S., Police Station- Muradnagar, District- Ghaziabad, on executing a personal bond and furnishing two local sureties each in the like amount to the satisfaction of the court concerned with the following conditions:

- i) The applicant shall not tamper with the prosecution evidence.
- ii) The applicant shall not threaten or harass the prosecution witnesses.
- iii) The applicant shall appear on the date fixed by the trial court.
- iv) The applicant shall not commit any offence similar to the offence of which the applicant is accused, or suspected of the commission.
- v) 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 such person from disclosing facts to the Court or to any police officer or tamper with the evidence.

6. In case of default of any of the conditions enumerated above, the court concerned shall be at liberty to cancel the bail of applicant in accordance with law.

(Dr. Gautam Chowdhary,J.)

February 23, 2026

Mustaqeem.