



2026:AHC:124579

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 5508 of 2026

Krishan Chauhan

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Ashish Gupta
Counsel for Respondent(s)	:	Anjali Gupta, G.A., Ritwiz Singh

Court No. - 1

HON'BLE MADAN PAL SINGH, J.

1. Heard Mr. Ashish Gupta, learned counsel for the appellant, Mr. Ritwiz Singh, learned counsel for opposite party no.2, learned A.G.A. for the State as well as perused the record.

2. This criminal appeal under Section 14A(2) of SC/ST (Prevention of Atrocities) Act, 1989 has been filed by the appellant-Krishan Chauhan with the prayer to set-aside the impugned bail rejection order dated 8th May, 2026 passed by the 2nd Additional Sessions Judge/Special Judge (S.C./S.T.) Act, Gautam Budh Nagar in Bail Application No. 1662 of 2026 (Krishna Chauhan Vs. State of U.P.) arising out of Case Crime No. 04 of 2026 under Sections 64 (2) (M), 70, 352, 351 (3), 123 B.N.S., Section 66 (E) I.T. Act and Sections 3 (2) (V), 3 (2) (v-a), 3 (1) (da), 3 (1) (dha) of S.C./S.T. Act, Police Station-Mahila Thana, Noida, District-Gautambudh Nagar and with a further prayer to release the appellant on bail in the aforesaid case.

3. The prosecution case is that the prosecutrix earlier worked in the company of the accused-appellant, namely, Krishna Chauhan. On 2nd January, 2024 at 08:30 a.m. the prosecutrix received a call from the appellant/accused, stating that she needed to go to main office at Sector No. 63. When the prosecutrix arrived, no one was there. Ten minutes later, the appellant-accused arrived and explained the filing process. The prosecutrix was given a sedative in a cold drink, causing her to faint. When the prosecutrix regained consciousness, she was covered only by a sheet and all her other clothes were removed. The prosecutrix asked the accused-appellant at that time, who showed her obscene photos of her. The prosecutrix was then summoned to office at Sector No. 63, forced to drink alcohol, and subjected to sexual intercourse against her will. In April 2025, the accused-appellant took the prosecutrix to the Oyo Hotel. When the prosecutrix confronted the accused-appellant, he told her that a woman like her could be found just by throwing money at her. Then, when the prosecutrix complained, the accused-appellant threatened to

withdraw her application to the police. One day, Jitendra Sharma, during a video call, brandished a gun and verbally abused the prosecutrix. Mohit Sharma then called and threatened her. Mohit Sharma and Jitendra Sharma called and threatened the victim, threatening to rape her. On August 28, 2025, the accused-appellant called a female bouncer to beat the prosecutrix.

4. Learned counsel for the appellant submitted that as per the version of the first information report and the statements of the prosecutrix recorded under Sections 180 and 183 B.N.S.S. the first incident is alleged to have occurred on 2nd January, 2024 and the last incident occurred on 27th August, 2025, whereas the first information report has been lodged on 10th March, 2026 through an application under Section 173 (4) B.N.S.S. which is stated to be filed on 28th October, 2025, meaning thereby that there is a delay of more than one year from the date of first incident and almost five months from the date of last incident for which no plausible explanation has been given. Learned counsel for the appellant further submits that as per the version of the statement of the prosecutrix under Section 183 B.N.S.S., the prosecutrix went along with the accused-appellant at several places and that too in Oyo Hotel at four times but during all these period the prosecutrix never raised any alarm that she has been subjected to sexually assault by the accused-appellant. The said fact that the prosecutrix went along with the accused-appellant on her own free will in Oyo Hotel at four times has also been found proved during the course of investigation as entries of accused-appellant and prosecutrix have been found in the register of hotel. Learned counsel for the appellant then submits that the real fact is that there was consensual relationship between the prosecutrix and the accused-appellant but due to increase of payment of salary of prosecutrix, which has not been done by the accused-appellant being the owner of the company where she was working, the present criminal proceedings have been engineered by roping the accused-appellant. Since the relationship between the appellant and the prosecutrix is consensual in nature, therefore, no case for the alleged offence is made out against the appellant. In support of his case, learned counsel for the appellant has placed reliance upon the judgments of the Apex Court in the cases of **Pramod Suryabhan Pawar vs The State Of Maharashtra**, reported in *AIR 2019 S C 4010*, **Mahesh Damu Khare Vs. The State of Maharashtra & Others** reported in *2024 SCC OnLine SC 347*, **Deepak Gulati v. State of Haryana**", reported in *AIR 2013 SC 2071* and **Nitin B. Nikhare Vs. The State of Maharashtra & Another in Criminal Appeal No(S).....of 2025 arising out of SLP (Crl.) No. 1889 of 2024** decided on 21st January, 2025, in paragraph no. 6.

5. Besides the above, learned counsel for the appellant submits that

the appellant has no criminal history and is in jail since 30th April, 2026. There is no whisper in the first information report as well as in the statements of the prosecutrix under Sections 180 and 183 B.N.S. about any specific caste indicated words have been used by the appellant against the prosecutrix for abusing her. Therefore, no case under the S.C./S.T. Act is made out against the appellant also.

6. Learned counsel for the opposite party no.2 states that he has no objection if the accused-appellant is released on bail. On the other-hand, learned A.G.A. for the State opposed the appeal and prayer for bail.

7. After having heard learned counsels for the parties and perusing the records, it is evident that as per first information report and the statements of the prosecutrix under Sections 180 and 183 B.N.S. the relationship between the appellant and the prosecutrix prima facie appears to be consensual in nature.

8. Looking to the facts and circumstances of this case, the nature of evidence and also the absence of any convincing material to indicate the possibility of tampering with the evidence, this Court is of the view that the appellant may be enlarged on bail.

9. Let the appellant-Krishna Chauhan, be released on bail in the aforesaid case crime number on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

i) The appellant will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

ii) The appellant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.

(iii) The appellant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The appellant will not misuse the liberty of bail in any manner whatsoever. In case, the appellant misuses the liberty of bail during trial and in order to secure his presence proclamation under section 84 BNSS/82 Cr.P.C., may be issued and if appellant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him,

in accordance with law, under section 209 BNS/174-A I.P.C.

(v) The appellant shall remain present, in person, before the trial court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 251 BNSS/313 Cr.P.C. If in the opinion of the trial court absence of the appellant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law and the trial court may proceed against him under Section 269 BNS/229-A IPC.

(vi) The trial court may make all possible efforts/endeavour and try to conclude the trial expeditiously after the release of the appellant.

10. The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the appellant to prison.

11. Accordingly, the appeal succeeds and the same stands allowed.

12. The impugned order dated 8th May, 2026 passed by the 2nd Additional Sessions Judge/Special Judge (S.C./S.T.) Act, Gautam Budh Nagar in Bail Application No. 1662 of 2026 (Krishna Chauhan Vs. State of U.P.) arising out of Case Crime No. 04 of 2026 under Sections 64 (2) (M), 70, 352, 351 (3), 123 B.N.S., Section 66 (E) I.T. Act and Sections 3 (2) (V), 3 (2) (v-a), 3 (1) (da), 3 (1) (dha) of S.C./S.T. Act, Police Station-Mahila Thana, Noida, District-Gautambudh Nagar is hereby set aside.

June 2, 2026
Sushil/-

(Madan Pal Singh,J.)