



2026:AHC:23585

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 3767 of 2026

Faizan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anas Mahboob
Counsel for Opposite Party(s)	:	G.A.

Court No. - 3

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 applicant is absolutely innocent and has been falsely implicated in the present case. Learned counsel for the applicant further submits that though in the F.I.R. as well as in her statements recorded under Section 180 & 183 B.N.S.S. the victim has alleged that on the false pretext of marriage the applicant used to establish sexual relations with her several times, thereafter, he refused to marry her. Learned counsel further submits that the victim is major woman aged about 21 years. From the entire prosecution version it appears that victim was in relationship with the applicant and whatever sexual relations were developed between them that were consensual, thus, ingredients of Section 69 of B.N.S. cannot be said to be attracted as they were in relations for a considerable period of about three years and there is no prior complaint made by the victim in this regard, therefore, 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 18.11.2025, 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, but he could not dispute that ingredients of Section 69 of B.N.S. are not

attracted in the present case.

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-Faizan, be enlarged on bail in Case Crime No. 175 of 2025, under Sections 77, 69, 351(3) of B.N.S., Police Station- Hafizpur, District- Hapur, 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 3, 2026

Mustaqeem.