



2026:AHC:129660

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 21880 of 2026

Shahban Urf Shaban Urf Chhotu

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Alauddin
Counsel for Opposite Party(s)	:	Fakhruddin, G.A.

Court No. - 69

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State, Sri Fakhruddin, learned counsel for the complainant and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 82 of 2026, under Sections 137(2), 87, 64(2) of the B.N.S. and 5L/6 of Protection of Children from Sexual Offences Act, Police Station- Dumariyaganj, District- Siddharth Nagar, during the pendency of the trial.
3. Learned counsel for the applicant contends that the applicant has been falsely implicated in the present case. It is submitted that the applicant and the victim were in a romantic relationship. The applicant neither abducted the victim nor committed rape upon her. Learned counsel further submits that the families of the applicant and the victim have decided to bless their relationship, and the parties are likely to solemnize their marriage shortly.
4. The submission of the learned counsel for the applicant has not been disputed by the learned counsel for the informant, who has also admitted that both families are willing to solemnize the marriage of the applicant and the victim.
5. Learned A.G.A. has opposed the prayer for bail and contended that the victim is a minor aged about 17 years. It is further submitted that the offences alleged against the applicant are non-compoundable, and merely

because the applicant and the victim are now willing to marry each other, the criminal liability of the applicant would not stand extinguished. However, the learned A.G.A. does not dispute that the applicant has no criminal antecedents.

6. I have considered the submissions made by the learned counsel for the parties.

7. Prima facie, on a perusal of the statement of the victim recorded under Section 183 of the BNSS, it appears that the applicant and the victim were in a consensual relationship. The victim has stated that she had been residing with the applicant as his wife and that she wishes to marry him. From the submissions made by the learned counsel appearing for the parties, it also appears that the marriage between the applicant and the victim has now been finalized. The applicant has no criminal antecedents and is in jail since 30.05.2026.

8. Although the objections raised by the learned A.G.A. are legally sustainable, while considering the bail application, this Court finds that the victim was on the cusp of attaining majority, being approximately 17 years of age, and that both families have now decided to solemnize the marriage between the applicant and the victim. In these circumstances, and without expressing any opinion on the merits of the case, this Court considers it appropriate to enlarge the applicant on bail.

9. The bail application is allowed.

10. Let the applicant - **Shahban urf Shaban urf Chhotu**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two reliable sureties each in the like amount, to the satisfaction of the Court concerned, subject to the following conditions:

- i. The applicant will not tamper with the evidence.
- ii. The applicant will not indulge in any criminal activity.
- iii. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
- iv. The applicant will appear regularly on each and every date fixed by the trial Court, unless his personal appearance is exempted by the Court

concerned.

11. In the event of breach of any of the aforesaid conditions, the trial Court will be at liberty to proceed to cancel his/her bail.

12. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

13. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

14. The observations made hereinabove are exclusively for deciding the instant bail application and shall not be construed as an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

June 30, 2026
Kushal