



HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 1210 of 2026**

Amber Rai Kalia

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Varad Nath

Counsel for Opposite Party(s) : G.A., Manaal Afroz, Syed Muneel
Abbas

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard Shri Varad Nath, Learned counsel for the applicant and Shri Rajesh Sharma, Learned counsel for the opposite party No.2 alongwith Ms. Manaal Afroz, Advocate.

2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.529 of 2025, under Section 376(2)(n), 506 IPC, Police Station- Beta-2, District Greater Noida (Commissionerate Gautam BudhNagar), with a prayer to enlarge him on anticipatory bail during the pendency of trial.

3. Shri Varad Nath, Learned counsel for the applicant submits that the applicant is a Lieutenant Colonel in the Army. He was earlier married and while awaiting divorce, he has posted his profile on matrimonial website seeking a life partner. During this period, the applicant came into contact with the opposite party No.2 and, they became close to each other. However, relationship between them broke down and resulted into filing of this false FIR, which is false and motivated.

4. Learned counsel for the applicant submits that a false police complaint against the applicant was also made at Bhatinda, in which the police, during the investigation, found that the applicant and the opposite party No.2 both are well educated and the opposite party No.2 was aware of the marital status of the applicant. The said fact was confirmed during

investigation by the audio recordings of the phone conversations exchanged between the applicant and the opposite party No.2. The conversations were also available in the form of whats-app chat, which led to the police finding that the allegations against the applicant were untrue. He submits that the offence in question does not require any custodial interrogation or any recoveries from the pointing out or possession of the applicant, which may justify the arrest of the applicant. He further submits that the applicant being an Army officer is not likely to abscond and does not have any criminal antecedent.

5. Shri Rajesh Sharma, Learned counsel for the opposite party No.2, on the other hand, submits that no divorce proceedings had been filed by the applicant in August 2022 when the false promise of marriage was made with the opposite party No.2. The profile on Shadi.com, through which opposite party No.2 came into contact with the applicant, contained false information regarding marital status of the applicant. The consent given by the opposite party No.2 for the intimacy was obtained on a false pretext, therefore, the offence of rape is clearly made out. He further highlighted certain misconduct of the applicant, which shows that he has a propensity to coerce the victims into accepting his illegitimate demands. He prays that he may be granted time to file appropriate documents before this Court by way of counter affidavit bringing on record the reprehensible conduct of the applicant.

6. Learned AGA similarly seeks time to obtain specific instructions with respect to assertions made by the applicant and he may also file a counter affidavit.

7. The counter affidavits may be filed within two weeks. Rejoinder Affidavit, if any, may be filed within three days thereafter.

8. List on 26.02.2026.

9. Taking into account the submissions made by the Learned counsels for the parties, a prima facie case for grant of interim relief is made out. During pendency of this bail application, it is provided that no coercive action shall be taken against the applicant in Case Crime No.529 of 2025, under Section 376(2)(n), 506 IPC, Police Station- Beta-2, District Greater

Noida (Commissionerate Gautam Budhnagar), subject to co-operation with the investigation. He shall also not abscond and shall file an appropriate undertaking before this Court within a week from today that he shall not intimidate witnesses or in any manner influence them.

(Rajiv Lochan Shukla,J.)

February 9, 2026

A. Pandey