



HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 8400 of 2025**

Shahrukh Alias Mustafa Alias Sarook

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Bachan Singh, Vimal Kumar Pandey
Counsel for Opposite Party(s) : G.A.

Court No. - 71

HON'BLE NALIN KUMAR SRIVASTAVA, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. It is a case of physical relations made by the accused applicant with the major victim of this case without her consent and subsequently refused to perform marriage with her. F.I.R. was lodged and medical examination of the victim took place.
3. It is submitted by the learned counsel for the applicant that the victim of this case has herself stated in her statement during investigation that physical relations between the applicant and the victim were made out of her own free will and consent. It is also submitted that the applicant never made physical relations with her forcibly or against her will. It is also submitted that no promise of marriage was every made by the applicant with the victim of this case. There are major contradictions in the contents of the F.I.R. and statement of the victim made under sections 180 and 183 BNSS. It is also submitted that no allegation regarding rape has been levelled against the applicant as per F.I.R. version. On the fateful day, the applicant was working in New Delhi as such and there are cctv footage regarding this fact. He never made any false promise of marriage to the alleged victim of this case. No adverse material was found by the I.O. during the course of investigation. It is also submitted that the I.O. in the case diary has noted that there is possibility of compromise between both the parties but the delay is being caused on the part of the victim herself. It is also submitted that in the statement under section 183 BNSS of the victim, she was called by the

applicant to Sirauli on 7.6.2025 on account of false promise of marriage and when the victim went there, physical relations were made by him on the false pretext of marriage and ultimately he left the victim at Sirauli and fled away. However, her family members insisted for payment of Rs.10 lakh which was a condition precedent to perform the marriage between the two. Learned counsel for the applicant has submitted that in fact the victim does not want to marry with the applicant and a false statement was given before the Court by the victim.

4. It appears from the perusal of the record that there are events / attempts of compromise between both the parties. The Court considers it necessary to hear the victim of this case.

5. Let a notice be issued to the victim of this case who should be arrayed as opposite party no.2 in the instant case and a proper reply may be filed by the victim by the next date of listing, which shall be 05.01.2026.

6. List this case on 05.01.2026.

7. Interim anticipatory bail, granted to the applicant vide order dated 29.10.2025, is extended till the next date of listing.

November 20, 2025

SS

(Nalin Kumar Srivastava,J.)