

existence of the company is not desirable for the commercial world. No such material exists to form a view that the company if not wound up would be a threat to the commercial world and/or can lead to further defrauding of creditors, more so, when the respondent/company has categorically undertaken to settle the dues of the Provident Fund, which according to Shri N.K. Seth, shall be cleared within a period of three weeks of the decision of the present case alongwith any other due payable to any other creditor.

58. I have already held that the winding up petition under Section 433(c) of the Act cannot be considered solely because no prayer to that effect has been made.

59. Thus, for all the reasons recorded above, present winding up petition deserves to be dismissed and is dismissed with the direction that the respondent/company:

(1) shall pay an amount of Rs.64.30 Lakh alongwith interest at the rate of 11% per annum from the date when the amounts were paid till actual payment/realization within two months;

(2) shall clear the Provident Fund dues within a period of four weeks from today;

(3) shall clear the outstanding dues of any other creditor.

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**(2025) 5 ILRA 1818**

**APPELLATE JURISDICTION**

**CRIMINAL SIDE**

**DATED: ALLAHABAD 26.05.2025**

**BEFORE**

**THE HON'BLE KRISHAN PAHAL, J.**

Criminal Misc. Bail Application No. 17325 of  
2025

**Pradeep Soni**

**...Applicant**

**Versus**

**State of U.P.**

**...Opposite Party**

**Counsel for the Applicant:**

Sri Amit Daga, Sri Vikas Tiwari

**Counsel for the Opposite Party:**

G.A.

**Criminal Law — Indian Penal Code, 1860 - Sections 376, 354 & 506 — Bail — Allegation of rape and molestation by father and guardian on daughter and niece — Delay of one year in lodging FIR — Victims' inconsistent St.ments — Absence of medical or forensic corroboration — Prior disputes between families and cross-litigations — Alleged misuse of guardianship — Criminal history explained — Held, where prosecution evidence suffers from contradictions, unexplained delay, and absence of corroboration, bail cannot be denied merely on moral considerations — Bail granted. (Paras 14, 52, 54, 57 and 58)**

**HELD:**

The allegations if found true are of extreme mental depravity and must be dealt with an iron hand. However, branding the applicant as a 'paedophile' in the present matter is premature and legally untenable, particularly in the absence of any prior conduct or antecedent allegations supporting such a characterization in the FIR. (Para 54)

In the present case, the two victims have repeatedly altered their St.ments, exhibiting inconsistency akin to a pendulum. It is also pertinent to note that the First Information Reports (FIRs) were lodged by the applicant concerning the two victims only at a time when they were minors. The said FIRs were filed against the victims' alleged lovers and their family members. Additionally, the present FIR has been lodged after a considerable delay of approximately one year. Furthermore, there is an absence of forensic evidence to substantiate the allegations. There is no recovery of any video either. (Para 57)

Considering these facts, the wavering testimonies of the witnesses, the delayed lodging of the FIR, the lack of forensic corroboration, and the nature of the earlier FIRs, coupled by the fact that the criminal antecedents have been explained, taking into consideration the settled dictum that 'bail is rule and jail an exception' this Court finds it appropriate to grant bail to the applicant. (Para 58)

**Bail Application allowed.** (E-14)

**List of Cases cited:**

Prabhakar Tewari Vs St. of U.P. & anr, (2020) 11 SCC 648

(Delivered by Hon'ble Krishan Pahal, J.)

[1] Heard Sri Amit Daga and Sri Vikas Tiwari, learned counsels for the applicant, Sri Achyut Ji and Sri Ranjeet Singh, learned counsels for the informant as well as Sri Arun Kumar Mishra, learned A.G.A. and perused the records.

[2] Applicant seeks bail in Case Crime No. 387 of 2024, under Sections 376, 354, 506 I.P.C., Police Station Kotwali, District Jhansi, during the pendency of trial.

**PROSECUTION STORY:**

[3] A common FIR was instituted by the two victims on 06.12.2024 with the allegations that the victims V1 (niece of the applicant) and V2 (his daughter) lived with the applicant, a practicing advocate at Jhansi. He tried to have physical relations with the victims several times. About a year ago when they were sleeping at home, the applicant told V1 at 2 o'clock in the night that if she does not have relations with him, she shall be thrown out of the house. V1 is an orphan, as such she got

scared of his threats. Taking advantage of her situation, the applicant forcibly established physical relations with V1 twice. When the victim V1 told this to the other accused persons namely Ankit Soni, Prashant Soni and Anju Soni, they instead pressurized her and said that if she told it to anyone, they shall kill her. The victim V1 got scared, as such. When the applicant told this to V2, she said that once she was sleeping at night and the applicant (her father) pressed her chest and put his finger inside her salwar and molested her by inserting her sensitive parts with his fingers. When the V2 screamed, the applicant apologized and said that she should not tell it to anyone, else he shall commit suicide. Scared V2 did not reveal the matter to anyone. The applicant repeated the said act taking the advantage of her silence and repeated the said obscene acts all the time. Upset V1 who is major ran away from home, on her own. The applicant has misused his clout and got instituted about 10 cases against several persons and extorted about Rs. 70 lakhs from the arrayed accused therein. He kept on earning money by using the victims, this way. The details of the FIRs are as follows:

(i) FIR No. 32/2018 u/ss 354A/506 IPC & 7/8 POCSO Act against Suresh on 19.01.2018.

(ii) FIR No. 41/2022 u/ss 342/354/3547/506 IPC & 7/8 POCSO Act against Vishal on 22.01.2022.

(iii) FIR No. 390/2022 u/ss 354/342/504/506 IPC against Abhishek, Smt. Heera Devi and Jeetam Prajapati on 08.09.2022.

(iv) In the same sequence, Prashant Soni, son of applicant, got

instituted an FIR No. 4454/2020 u/ss 354/342/504/506 IPC against Gaurav on 20.09.2022, through his wife Akanksha Soni.

(v) V1 instituted an FIR No. 206/2023 u/s 354 (a)/323/504/506 IPC and 7/8 POCSO Act against applicant.

[4] The applicant is exploiting the victims and other persons by forming a gang. Applicant and his gang members are likely to commit a serious incident any time. V1 had moved an application before the High Court, it was ordered that CJM shall record her statement u/s 164 Cr.P.C after she moved an application at police station. V1 appeared in Police Station Kotwali Jhansi and gave an application there, but the police did not register any FIR due to the fear of applicant. Hence the FIR was instituted on joint application of V1 and V2.

#### **INVESTIGATION :**

[5] The investigation revealed that as per High School certificate the date of birth of V1 was 02.04.2006 and that of V2 was 24.09.2005.

[6] The victims reiterated the allegations made in FIR in their statements recorded u/s 180 and 183 B.N.S.S. and stated that V1 had solemnized marriage with one Vishal Prajapati. The applicant had tried to marry his daughter V2 to his tenant Nitin Saxena, who in turn had tried to outrage her modesty, when she had come to the Court for getting her statement recorded. As such the I.O. added section 354 I.P.C. to the case.

#### **ARGUMENTS ON BEHALF OF APPLICANT :**

[7] The statements of independent witnesses namely Mahendra Kumar, Chandan Agrawal, Shabir Mohd. Mansuri, Smt. Kushma Devi, Tanishk Soni, Rajol Kumar and Praveen Bano, recorded under Section 180 B.N.S.S. by the investigating officer indicated that that a neighbour Vishal Prajapati had enticed away V1 as such the applicant had lodged FIR No. 41 of 2022, u/ss 342, 354, 354-C, 506 I.P.C. and Section 7/8 POCSO Act, at Police Station Kotwali, Jhansi.

[8] Having wronged V1, another FIR No. 390 of 2022, u/ss 354, 352, 504, 506, I.P.C. and Section 7/8 POCSO Act at Police Station Kotwali, Jhansi was instituted against Abhishek, Smt. Heera Devi and Jeetu Prajapati (family members of Vishal Prajapati).

[9] Thereafter, one Sohil Ali had enticed away applicant's minor daughter V2, as such he instituted an FIR No. 221 of 2023, u/s 363, 366, 342 & 368 I.P.C. at Police Station Kotwali, Jhansi against six persons, including Sohil Ali and Ashad Ali and thus Vishal Prajapati, Sohil Ali and their family members became inimical towards applicant.

[10] The witnesses continued saying that after attaining the age of majority V1 eloped with Vishal Prajapati regarding which applicant lodged another FIR No. 301 of 2024, at Station-Kotwali, District-Jhansi vide Case Crime u/ss 87, 352, 351(2) B.N.S. against Vishal, his associates, Sohil Ali and his family members and thereafter V1 solemnized marriage with Vishal Prajapati and applicant's daughter V2 is also residing with them.

[11] It is further alleged by said witnesses that V2 at the instance of Vishal

Prajapati and Sohil, lodged a false case against applicant and his family members to refrain him from soliciting the FIRs instituted against them.

[12] The victims have refused to be medically examined as such the prosecution story remains uncorroborated by any forensic evidence.

[13] On the basis of statements of the victims V1, V2 and thorough investigation, the investigating officer filed a closure report qua co-accused persons Ankit Soni, Prashant Soni and Smt. Anju Soni. Thus, the prosecution story stands falsified as it could not stand on its legs and the final report (Charge Sheet) has been submitted against the applicant only.

[14] That as the F.I.R. is delayed by about one year and there is no explanation of the inordinate delay caused, as such, it has been lodged as an afterthought after legal consultation and deliberations.

[15] It is pertinent to note that no specific date or time of the offence is mentioned by the victims.

[16] The statement of V1 goes on to show that present F.I.R. is not the outcome of alleged incident of rape but a result of the objections raised by the applicant against her marriage to Vishal Prajapati.

[17] The statements of the said victims recorded u/s 183 B.N.S.S. are having various inconsistencies and omissions to each other and F.I.R., as such, the prosecution story stands falsified.

[18] V2 is the real daughter of applicant and V1 is his niece (being the daughter of applicant's real sister) but it is

utterly surprising that they have not given the correct parentage of other accused persons (family members named in F.I.R.), namely Ankit Soni, Prashant Soni and Anju Soni rather mentioned it as unknown. It is another example of legal advice to increase the gravity of offence.

[19] V1 has alleged that she had video-recorded the said indecent act committed by the applicant with V2 and had forwarded it to her, but there is no such video on record and the investigation is already complete. Thus, prosecution story stands falsified on this count also.

[20] V1 is the daughter of applicant's real sister, who expired in the year 2016 due to cancer. Her father was an acute patient of tuberculosis (T.B.) thus after death of her mother, V1 along with her father started residing with applicant and his family. The applicant, being guardian and head of the family, had taken due care of the father-daughter duo. Sadly, her father also expired in the year 2019 due to the said tuberculosis, as such applicant took due care of V1 as her guardian.

[21] That so far as the allegations leveled in F.I.R. that alleged victims, at the instance of Pradeep Soni (applicant), had lodged false F.I.R. No. 32 of 2018, u/ss 354 (A)(1)(iv), 506 I.P.C. & 7/8 POCSO Act, Police Station Kotwali, Jhansi is concerned, it to be noted that during the course of medical treatment of father of V1, one employee of the hospital namely Suresh had outraged her modesty on 19.01.2018 and caused injuries on her lips. The applicant, being guardian, lodged the aforesaid F.I.R. The medical examination of V1 on 19.01.2018 revealed an abrasion on lower lip. The said injury report has been filed as Annexure No. 13 to the affidavit filed with the bail application.

[22] The statement of V1 was corroborated by one Nurse at the hospital Smt. Praveen Kareem. The information furnished under Right to Information Act regarding the treatment of the father of V1 at District Hospital, Jhansi from 18.01.2018 to 24.01.2018 has also been filed as Annexure No. 15 to the affidavit filed with the bail application.

[23] It is germane to say that during the course of trial as Special Trial No. 226 of 2018 'State of U.P. Vs Suresh', V1 was produced and examined before learned Trial Court as PW-2 and she has stated that the said F.I.R. was instituted by her uncle (Fufa). A copy of the statement of PW-2 in Special Trial No. 226 of 2018 has been filed as Annexure No. 16 to the affidavit filed with the bail application.

[24] The residence of Vishal Prajapati, with whom V1 had solemnized marriage on 18.09.2024, is adjacent to the house of the applicant. He kept an evil eye on V1 and used to chase her and had even forcibly given her a mobile phone. As such, the applicant filed a complaint against Vishal at Police Station Kotwali, Jhansi. On the said complaint, the police called Vishal and his family members at Police Station and warned them whereupon Vishal had given a written apology before Station House Officer concerned to the effect that he shall not repeat the said act in future. A copy of the written apology given by Vishal in the presence of his family members and friend, has been filed as Annexure No. 17 to the affidavit filed with the bail application.

[25] Despite the said written apology Vishal Prajapati on 19.01.2022, forcibly took V1 and outraged her modesty. Left with no option, the applicant instituted

an F.I.R. No. 41 of 2022, u/ss 342, 354, 354-C, 506 I.P.C. and Section 7/8 POCSO Act at Police Station Kotwali, Jhansi against him on 22.01.2022. V1 supported the prosecution story in her statements recorded u/ss 161 & 164 Cr.P.C. respectively. A charge-sheet was filed in the said case and the trial is proceeding as Session Trial No. 274 of 2022 'State of U.P. Vs. Vishal Prajapati', before the Court of learned Special Judge, POCSO Act, Jhansi. During course of trial V1 was produced and examined before learned trial Court as PW-2. During course of examination, V1 has stated that she instituted the instant F.I.R. against the applicant under duress of Vishal Prajapati.

[26] Regarding an offence committed with V2 one F.I.R. No. 390 of the 2022, u/ss 354, 352, 504, 506 I.P.C. and Section 7/8 POCSO Act was also lodged by applicant against family persons of Vishal namely Abhishek, Smt. Heera Devi and Jeetu Prajapati, at Police Station Kotwali, District Jhansi. Victim V2 had supported the case of prosecution in her statements recorded u/ss 161 and 164 Cr. P.C. in the said FIR.

[27] One Sohil Ali, who happens to be a friend of Vishal Prajapati, was also chasing applicant's daughter (V2). The applicant filed a complaint at the concerned Police Station. The police called Sohil Ali at the concerned Police Station and warned him whereupon he gave a written apology and promised not to chase V2, but despite the said promise he persisted chasing her and ultimately trapped her in his love net. True copy of the written apology dated 15.10.2022 given by Sohil at Police Station Kotwali, District Jhansi, has been filed as Annexure No. 23 to the affidavit filed with the bail application.

[28] The accused Vishal, has been granted bail by this Court in F.I.R. No. 41 of 2022, vide order dated 21.12.2022 passed in Criminal Misc. Bail Application No.24934 of 2022.

[29] That after his release from jail Vishal Prajapati again approached V2, while Sohil Ali was already in consensual relationship with applicant's daughter V2. Unaware of the said consensual relationship between Sohil Ali and V2, applicant fixed her marriage to be solemnized on 28.11.2023, and her Ring Ceremony was held on 16.05.2023 at Prayagraj. Certain photographs of Ring Ceremony have been filed as Annexure No.25 to the affidavit filed with the bail application.

[30] The two victims left the house with heavy cash and jewellery and stayed at a hotel. Applicant went to report the matter but found the victims with their friends, whereby the applicant was illegally detained at Police Outpost Unnao Gate, of Police Station Kotwali. A complaint was moved by applicant's son Prashant Soni at Jan Sunwai Portal on 26.05.2023 vide Reference No. 400100623011763. A true photo copy of the complaint dated 25.05.2023 along with receipt dated 26.05.2023 issued from 'Jan Sunwai Portal', have been collectively filed as Annexure No. 28 to the affidavit filed with the bail application.

[31] Thereafter one compromise dated 27.05.2023, said to have been executed between Sohil and V2, was prepared at aforesaid Police Station, under the patronage of the SHO concerned.

[32] That an illegal ceremony was organised between Sohil Ali and V2 as the

victim was minor on the said date of marriage and her consent, has no legal sanctity in the eyes of law, as she was illegally confined in the house of Sohil Ali thus applicant being father lodged F.I.R. No. 221 of 2023, u/ss 342, 366 & 363 I.P.C. at Police Station Kotwali, Jhansi on 06.06.2023 against Sohil Ali and his family members.

[33] In the said case statement of V2 was recorded under Section 164 Cr. P.C., in which she has allegedly substantiated the factum of compromise and 'Jaimal Ceremony' and further alleged that after 4 months, when she shall attain the age of majority i.e. 18 years, she shall solemnize marriage with Sohil Ali and expressed her consent to go with her parents. Thus she joined the applicant and his family, consequently Sohil Ali and his father namely Asad were sent to jail.

[34] Since V2 was adamant to marry Sohil thus for the sake of her happiness applicant did not object to bail application moved by Sohil Ali and his father, thus both were released on bail by the Court concerned.

[35] The investigating officer had submitted charge-sheet in the case against Sohil Ali and his father before the Court on 28.07.2023, for the offences punishable under Sections 363, 366 & 368 I.P.C. and kept investigation pending against remaining accused persons namely Smt. Shabana, Sharukh, Muskan and Afsar. Session Trial No. 1017 of 2023 'State of U.P. Vs. Sohil Ali And Another' is proceeding against the accused persons before the Court of learned Session Judge, Jhansi. During pendency of further investigation other accused persons of said criminal case namely Smt. Shabana,

Sharukh, Muskan and Afsar were granted anticipatory bail in the crime by this Court. Another Session Trial No. 619 of 2025 'State of U.P. Vs. Muskan And Others' is also proceeding at Court of learned Session Judge, Jhansi against other accused persons.

[36] The story did not end here, rather Sohil Ali refused to marry V2 and during trial she supported the prosecution story in her examination-in-chief recorded before Trial Court on 09.04.2024 and deposed against Sohil Ali but thereafter she again left the house on 17.09.2024 along with Sohil Ali and deposed in his favour during her cross-examination which was recorded on 12.02.2025. Proceedings of both the Session Trials are still pending before learned Trial Court.

[37] Vishal Prajapati also refused to solemnize marriage with V1 and pressurized her to lodge F.I.R. against applicant thus under his influence she lodged F.I.R. No. 206 of 2023, u/ss 354(A), 323, 504, 506 I.P.C. and Section 7/8 POCSO Act at Police Station Kotwali, Jhansi on 26.05.2023. Despite the institution of the said F.I.R. Vishal Prajapati did not solemnize marriage with V1 thus she realized her fault and did not support the case of prosecution in her statement, recorded under Section 164 Cr. P.C., on 27.05.2023, and stated that on account of some quarrel she lodged F.I.R. against applicant by levelling false allegations of outraging her modesty.

[38] Thereafter V1 sent an application to Senior Superintendent of Police, Jhansi through registered post on 01.06.2023, mentioning therein that since she was in love with Vishal Prajapati, and her Uncle (Fufa) lodged an F.I.R. against

him as such she got annoyed and lodged a false case against the applicant. Said application was also supported by the notary affidavit of V1. True photo copy of the application as well as notary affidavit dated 01.06.2023 along with postal receipt, have also been filed as Annexure No.35 to the affidavit filed with the bail application.

[39] Despite knowing the said fact, I.O. filed a chargesheet u/ss 323, 354(A), 504, 506 I.P.C. & Section 7/8 POCSO Act against the applicant. Special Trial No. 1035 of 2023 'State of U.P. Vs. Pradeep Soni' is pending against applicant before the Court of Additional District & Session Judge/FTC (OAW), Jhansi. A compromise was executed between applicant and V1 on 23.05.2024 which has been filed as Annexure No. 37 to the affidavit filed with the bail application.

[40] On the basis of said compromise applicant approached this Court and filed Criminal Misc. Application (under Section 482 Cr. P.C.) No. 21032 of 2024. In said application V1 appeared before this Court through her Counsel and filed short counter affidavit affirming the factum of compromise between the parties. True copy of the short counter affidavit filed by V1 has been filed as Annexure No.38 to the affidavit filed with the bail application.

[41] On 28.08.2024 V1 moved an application to not to take any coercive measure against applicant before learned Trial Court till the pendency of the application under Section 482 Cr. P.C. No. 21032 of 2024 before this Court.

[42] That in the meantime, Vishal Prajapati and Sohil Ali again took both the victims V1 and V2 into their confidence

and promised to solemnize marriage with them. Under the said allurement they administered some intoxicating substance to applicant's wife rendering her unconscious stole jewellery worth about Rs. 5,00,000/-, and Rs. 3,75,000/- cash from the residence of applicant and thereafter V1 had solemnized marriage with Vishal Prajapati on 18.09.2024 at Arya Samaj Mandir, Civil Lines, Prayagraj.

[43] That under changed circumstances, the said application under Section 482 Cr.P.C. was dismissed as withdrawn by this Court, vide order dated 16.10.2024. Thereafter applicant again approached this Court and filed Criminal Misc. Application (under Section 482 Cr. P.C.) No. 4157641 of 2024 for quashing of summoning order dated 22.08.2023, charge-sheet dated 24.07.2023, as well as entire proceedings of Session Trial No. 1035 of 2023, 'State of U.P. Vs. Pradeep Soni', arising out of Case Crime No. 206 of 2023, under Sections 354(A), 323, 504, 506 I.P.C. and Section 7/8 POCSO Act Police Station Kotwali, District Jhansi, pending before the Court of learned Additional District Judge/CAW, Jhansi. The proceedings have been stayed by this court vide order dated 04.12.2024.

[44] The applicant lodged one FIR No. 301 of 2024, u/ss 87, 352, 351(2) B.N.S. at police Station Kotwali, Jhansi against Vishal Prajapati, his family members and Sohil Ali, his family members on 19.09.2024. Pursuant to said F.I.R. V1 and Vishal Prajapati approached this Court and filed Criminal Misc. Writ Petition No. 17738 of 2024 for quashing of F.I.R. dated 19.09.2024. A closure report has been filed in the said case.

[45] The allegation that the applicant had instituted 10 cases against

several persons for extorting money is false. In fact, there are only 5 FIRs instituted against the said friends of victims only that too as an onerous duty by the applicant, being their guardian.

[46] Since the victims V1 and V2 are presently residing with Vishal Prajapati and his friend Sohil Ali respectively, the instant F.I.R. has been instituted against the applicant and other family members by cooking a false story, at their instance to coerce the applicant to withdraw all the criminal cases pending against Vishal Prajapati, Sohil Ali and their family members.

[47] In addition to the instant case there are two more cases pending against him which are: –

*(i) Case Crime No. 458 of 2022 (arising out NCR No. 95 of 2022) u/ss 323, 504, 325 I.P.C. at Police Station Kotwali, District Jhansi. The applicant has been acquitted by the Court of C.J.M., Jhansi vide order dated 10.10.2023 which has been filed as Annexure No.46 to the affidavit filed with the bail application.*

*(ii) Case Crime No. 206 of 2023, u/ss 354(A), 323, 504, 506 I.P.C. & 7/8 POCSO Act at Police Station–Kotwali, District Jhansi. Proceeding have been stayed by this Court, vide order dated 04.12.2024, passed in Criminal Misc. Application (u/s. 482 Cr. P.C.) No. 41576 of 2024.*

[48] The applicant is in jail since 21.02.2025. There is no apprehension of the applicant absconding or tampering with the prosecution evidence and he is ready to furnish adequate sureties to the satisfaction of this Court.

**ARGUMENTS ON BEHALF OF THE INFORMANT/STATE :**

[49] The applicant is a practising senior advocate at district courts, Jhansi and is an influential person in the district. He has misused his clout and has falsely implicated several persons to extract money from the said accused persons by misusing the statements of the two victims, i.e. his daughter and niece.

[50] The victims V1 and V2 have reiterated the allegations made in F.I.R. and have complemented and corroborated their respective statements recorded u/s 180 and 183 B.N.S.S.

[51] The date of births of the victims V1 and V2 are 02.04.2006 and 24.09.2005 respectively as such they were minor at the time of the offence committed by the applicant. His acts fall within the category of highest mental depravity, as such, he is not entitled for bail as he is having criminal history of two cases assigned to him.

**ANALYSIS :**

[52] The following points are worth consideration for the disposal of the instant bail application: -

(i) **Criminal history** : The criminal history of two cases assigned to the applicant has been explained in the light of the judgment passed in the case of **Prabhakar Tewari Vs. State of U.P. and another, (2020) 11 SCC 648** as the Supreme Court has observed that pendency of several criminal cases against an accused by itself cannot be a basis for refusal of bail.

(ii) **Age of the Victims** : It is admitted to both the parties that the dates of birth of the two victims are 02.04.2006 and 24.09.2005, respectively. Therefore, at the time of the alleged incident, both individuals were marginally below the age of majority.

(iii) **Conduct and Statements of the Victims** : The statements of the victims have been inconsistent, showing signs of vacillation at various stages of the proceedings. It is evident that the victims entered into marriage, contrary to the wishes of their guardian/family, which has given rise to the present dispute. Furthermore, there have been multiple First Information Reports (FIRs) filed between the parties, indicating mutual distrust.

(iv) **Delay in institution of F.I.R.** : The FIR in the present case was lodged after an inordinate and unexplained delay of approximately one year, casting serious doubt on the credibility of the allegations.

(v) **Lack of Corroborative Evidence** : There is no forensic evidence available on record to substantiate the claims made by the victims. Additionally, the victims voluntarily left the applicant's residence and have since attained majority.

(vi) The fulcrum of the five FIRs mentioned in the instant FIR hinges on the statement of the two victims and the applicant does not carry any material force in them.

(vii) The shifting stand of the victims, along with the fact that the applicant's prior criminal history has been adequately explained and does not suggest any recurring behavioural pattern relevant

to the present case, further weakens the prosecution's narrative.

### CONCLUSION :

[53] It is an established principle that every adult individual possesses the inviolable right to autonomy over their own person, and no external interference with that autonomy can be justified absent lawful cause.

[54] The allegations if found true are of extreme mental depravity and must be dealt with an iron hand. However, branding the applicant as a 'paedophile' in the present matter is premature and legally untenable, particularly in the absence of any prior conduct or antecedent allegations supporting such a characterization in the FIR.

[55] This Court finds itself at a juncture where traditional Indian values confront the evolving norms of a rapidly modernizing society—often influenced by Western paradigms. In this context, the applicant, who stood in a position of guardianship over the alleged victims, appears to have acted under the perceived imperative of upholding family customs and exercising supervisory authority, albeit in a manner now contested as having crossed lawful boundaries.

[56] It is a matter of record, mutually acknowledged by the parties, that the interpersonal dynamics between the applicant and two victims markedly declined over time. Both individuals exercised their autonomy in contracting marriages of their own volition, a course of action that was met with pronounced disapproval and resentment by the applicant. The matter can only be properly dealt with by the trial court after

catering to the evidence adduced. It would not be proper for this Court to express on the merits of the case at this juncture.

[57] In the present case, the two victims have repeatedly altered their statements, exhibiting inconsistency akin to a pendulum. It is also pertinent to note that the First Information Reports (FIRs) were lodged by the applicant concerning the two victims only at a time when they were minors. The said FIRs were filed against the victims' alleged lovers and their family members. Additionally, the present FIR has been lodged after a considerable delay of approximately one year. Furthermore, there is an absence of forensic evidence to substantiate the allegations. There is no recovery of any video either.

[58] Considering these facts, the wavering testimonies of the witnesses, the delayed lodging of the FIR, the lack of forensic corroboration, and the nature of the earlier FIRs, coupled by the fact that the criminal antecedents have been explained, taking into consideration the settled dictum that 'bail is rule and jail an exception' this Court finds it appropriate to grant bail to the applicant.

[59] Accordingly, the bail application is **allowed**.

[60] Let the applicant- **Pradeep Soni**, who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

i) The applicant will not tamper with the evidence during trial.

ii) The applicant will not pressurise/intimidate with the prosecution witnesses.

iii) The applicant will appear before the trial court on the date fixed.

[61] In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

[62] It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

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**(2025) 5 ILRA 1828**  
**ORIGINAL JURISDICTION**  
**CIVIL SIDE**  
**DATED: ALLAHABAD 06.05.2025**

**BEFORE**

**THE HON'BLE MAHESH CHANDRA**  
**TRIPATHI, J.**  
**THE HON'BLE ANIL KUMAR-X, J.**

CrI. Misc. Writ Petition No. 8881 of 2025

**Jitendra Paswan** ...Petitioner  
**Versus**  
**State of U.P. & Ors.** ...Respondents

**Counsel for the Petitioner:**

Sri Ajit Narain Mishra

**Counsel for the Respondents:**

G.A.

**Criminal Law-The Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986-Sections 2 & 3(1) -The Uttar Pradesh Gangster and Anti-Social Activities (Prevention) Rules, 2021- Rule 5 (3) (A)---**It is not disputed that the earlier writ petition was allowed on procedural grounds and

that liberty was granted to initiate fresh proceedings in accordance with law. From the record, it appears that the authorities have now complied with the requisite procedural mandates including completion of base case investigations, preparation of gang-chart, convening of a joint meeting, approval by the District Magistrate after application of mind. The petitioner has a long-standing criminal history and the allegations pertain to organized crime across multiple districts---No procedural illegality or arbitrariness has been demonstrated in the initiation of the present proceedings under the Act, 198.

**Petition dismissed.** (E-15)

**List of the cases referred:-**

1. Dharmendra Kirthal Vs St. of U.P. & ors.2013 INSC 510
2. Ashok Kumar Dixit Vs St. of U.P. AIR 1987 All 235
3. Vinod Bihari Lal Vs St. of U.P. 2023 SCC Online All 143

(Delivered by Hon'ble Mahesh Chandra  
 Tripathi, J.

&

Hon'ble Anil Kumar -X, J.)

1. Heard Sri A.N. Mishra, learned counsel for the petitioner and Sri Paritosh Malviya, learned AGA-I for the State-respondents.

2. The present writ petition has been filed seeking quashing of the impugned First Information Report dated 13.04.2025, registered as Case Crime No.0244 of 2025, under Sections 3(1), 2(b) (i), 2 (b) (xi), and 2 (b) (xxv) of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 at Police Station Chiluatal, District Gorakhpur, in respect of the petitioner. A further prayer has been made for issuance of a direction