



2026:UHC:4624

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>ABA No.204 of 2026</u></p> <p><u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Piyush Sammal (through Video Conferencing) and Ms. Sarita Bisht, learned counsel for the applicant.</p> <p>2. Mr. Pushpa Bhatt, learned Addl. Advocate General along with Mr. S.C. Dumka, learned A.G.A. for the State.</p> <p>3. Mr. Shariq Khurshid, learned counsel for complainant.</p> <p>4. Applicant seeks grant of anticipatory bail in connection with F.I.R. No. 51 of 2026 dated 01.04.2026, registered under Sections 351(2), 351(3) and 69 of the Bharatiya Nyaya Sanhita, 2023 at Police Station Banbhulpura, District Nainital.</p> <p>5. Learned counsel for the applicant would submit that the impugned F.I.R. has been lodged alleging that approximately three years prior to the registration of the F.I.R., the applicant allegedly established physical relations with the informant against her will and also recorded a video clip of the said incident. It is further alleged that the applicant thereafter threatened to make the video viral and continued to maintain physical relations with the informant on several occasions. The F.I.R. further states that when the husband of the informant allegedly found the applicant and the informant</p>



in a compromising position, the applicant assured the informant that he would marry her if she obtained a divorce from her husband. It is alleged that acting upon such assurance, the informant obtained a divorce from her husband on 13.01.2026, but thereafter the applicant refused to marry her.

6. Learned counsel for the applicant would further submit that the applicant is innocent and has been falsely implicated in the present case; that, a bare perusal of the F.I.R. itself indicates that the parties were acquainted with each other and remained in a relationship for nearly three years preceding the lodging of the F.I.R.; that, the physical relationship between the parties was consensual in nature and that throughout the said period no complaint was ever lodged by the informant before any authority; that, both the applicant and the informant are major and competent individuals; that, the allegations are matters of evidence to be tested during trial and that custodial interrogation of the applicant is not required.

7. Learned State Counsel would oppose the anticipatory bail application. However, learned State counsel does not dispute that, as per the F.I.R., the relationship between the applicant and the informant is alleged to have continued for about three years prior to the lodging of the F.I.R.

8. Heard learned counsel for the



parties and perused the material available on record.

9. Having considered the submissions advanced by learned counsel for the parties, the nature of allegations contained in the F.I.R., the admitted fact that the parties were known to each other and allegedly remained in a relationship for a considerable period of time, the fact that the allegations primarily rest upon circumstances which would be a matter of evidence during trial, and there being no material placed before this Court to demonstrate the necessity of custodial interrogation of the applicant, this Court is of the view that the applicant has made out a case for grant of anticipatory bail.

10. Accordingly, without expressing any opinion on the merits of the case, it is directed that in the event of arrest of the applicant in connection with F.I.R. No. 51 of 2026 dated 01.04.2026, registered under Sections 351(2), 351(3) and 69 of the B.N.S. at Police Station Banbhulpura, District Nainital, he shall be released on anticipatory bail on furnishing a personal bond and two reliable sureties of the like amount to the satisfaction of the Investigating Officer/Court concerned, subject to the following conditions:

- (i) The applicant shall make himself available for interrogation by the Investigating Officer as and when required and shall cooperate with the investigation as well as the trial proceedings;



			<p>(ii) 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 such facts before the Court or the Investigating Agency;</p> <p>(iii) The applicant shall not tamper with the prosecution evidence or attempt to influence any witness in any manner whatsoever;</p> <p>(iv) The applicant shall not leave the country without prior permission of the Court concerned and, if he possesses a passport, shall furnish the details thereof before the Investigating Officer/Court concerned;</p> <p>(v) The applicant shall regularly appear before the Court concerned on each and every date fixed, unless exempted in accordance with law;</p> <p>(vi) The applicant shall not misuse the liberty of anticipatory bail and shall maintain good conduct throughout the pendency of the proceedings.</p> <p>11. In the event of breach of any of the aforesaid conditions, it shall be open to the prosecution to move an appropriate application for cancellation of anticipatory bail in accordance with law.</p> <p>12. Subject to the aforesaid conditions, the anticipatory bail application stands allowed.</p> <p style="text-align: right;">(Alok Mahra, J.) 10.06.2026</p>
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