

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>ABA No.219 of 2026  <b><u>Hon'ble Alok Mahra, J.</u></b></p> <p>Mr. Pragya Prakash Upadhyay and Mr. Rakshit Joshi, Advocate for the applicant.  Mr. S.C. Dumka, A.G.A. for the State of Uttarakhand.</p> <p>2. Applicant-Hemant Raina is praying for anticipatory bail in connection with any information/compliant/report relating to Section 69 of Bhartiya Nyaya Sanhita, 2023 or any other sexual offence alleged to have been committed by the applicant against Ms. Chinky Kumari Singh D/o Ram Chandra Singh, relating to same facts at Police Station Mallital, Nainital.</p> <p>3. Learned counsel for the applicant submits that the applicant and Ms. Chinky Kumari Singh were acquainted with each other for the last more than three months. It is submitted that the applicant is a sound healer by profession and Ms. Chinky Kumari Singh had approached him for treatment relating to mental stress and anxiety, during which period they developed friendly relations. Learned counsel further submits that the applicant is a married person and, although certain matrimonial differences exist between him and his wife, no divorce proceedings have been concluded between them. It is contended that taking advantage of the said circumstances, Ms. Chinky Kumari Singh has been exerting pressure upon the applicant to dissolve his marriage and marry her. In support of the said contention, reliance has been placed</p>

		<p>upon certain WhatsApp conversations annexed with the application, which, according to the applicant, indicate that Ms. Chinky Kumari Singh threatened to initiate criminal proceedings against him in the event he failed to accede to her demands. It is further submitted that the applicant was compelled to execute a written compromise at Police Station Mallital, Nainital, wherein it was recorded that he would obtain a divorce from his wife and thereafter marry Ms. Chinky Kumari Singh. On the basis of the aforesaid circumstances, it is argued that the applicant has a reasonable apprehension that a criminal case relating to offences under Section 69 of the Bharatiya Nyaya Sanhita, 2023 and other allied provisions may be lodged against him, resulting in his arrest.</p> <p>4. Heard learned counsel for the parties and perused the material available on record. It is well settled that registration of a First Information Report is not a condition precedent for invoking the jurisdiction of this Court under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail. The Constitution Bench of the Hon'ble Supreme Court in Shri Gurbaksh Singh Sibbia and Others Vs. State of Punjab, reported in (1980) 2 SCC 565, has authoritatively held that a person may seek anticipatory bail even prior to registration of an FIR, provided that the apprehension of arrest is founded upon concrete and tangible facts relatable to a specific offence or set of offences and is not based upon mere conjectures or vague allegations. The application must disclose the circumstances giving rise to such apprehension and the version of the applicant so as to enable the Court to</p>
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assess the reasonableness of the apprehension, the gravity of the allegations and the necessity of imposing appropriate conditions, if any. The material brought on record by the applicant prima facie indicates the existence of circumstances giving rise to an apprehension of criminal proceedings and arrest in relation to the allegations referred to hereinabove. Consequently, the application cannot be rejected merely on the ground that no First Information Report has yet been registered.

5. List in due course.

6. For an interim measure, without expressing any opinion on the merits of the case, in an event of arrest during investigation, the applicant shall be released on an interim anticipatory bail subject to furnishing of personal bond with two reliable sureties of the like amount, to the satisfaction of the arresting Officer subject to the following conditions: -

(i) The applicant shall cooperate with the investigation;

(ii) The applicant shall not approach any witness in any manner, whatsoever.

**(Alok Mahra, J.)**

12.06.2026

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