



2025:UHC:11624

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

29th DECEMBER, 2025

ANTICIPATORY BAIL APPLICATION NO. 494 OF 2025

Sumit Kumar Applicant

Versus

State of Uttarakhand Respondent

Counsel for the Applicant : Ms. Aishwarya Thapliyal,
Advocate holding brief of
Mr. Abhishek Verma, Advocate.

Counsel for the Respondent : Mr. Chitrarth Kandpal, Brief
Holder.

Hon'ble Alok Kumar Verma,J.

This Application has been filed for anticipatory bail in Case Crime No.184 of 2025, registered at Police Station Jaspur, District Udham Singh Nagar. The investigation is pending under Sections 69 and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

2. According to the First Information Report dated 09.05.2025, the applicant had established physical relationship with the informant-victim, aged about 27 years, on the pretext of marriage. Now, he has refused to marry.

3. Heard Ms. Aishwarya Thapliyal, learned counsel for the applicant and Mr. Chitrarth Kandpal, learned Brief Holder for the respondent.

4. Ms. Aishwarya Thapliyal, Advocate, contended that the relationship between the applicant and the alleged victim was consensual. The alleged victim is an adult



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woman of sound understanding. Applicant never promised to marry. He has no criminal antecedents. He is a permanent resident of District Udham Singh Nagar, therefore, there is no possibility of his absconding. He was granted interim bail on 21.05.2025, and, the conditions of the interim bail have not been violated by him.

5. Mr. Chitrarth Kandpal, Brief Holder, has opposed the anticipatory bail application.

6. Every consensual relationship cannot be given a colour of false pretext to marry. A breach of a promise to marry only constitutes an offence if the accused had no intention of marrying from the beginning. The controversy can be determined only at trial.

7. Personal liberty under Article 21 of the Constitution of India is very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.

8. Having heard the submissions of learned counsel for the parties and keeping in view of the facts and circumstances of the case, without commenting on the merits of the case, the present Anticipatory Bail Application is allowed and the order dated 21.05.2025, granting interim bail to the applicant, is made absolute. It is directed that in the event of arrest of the applicant Sumit Kumar, he shall be released on anticipatory bail on executing a personal



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bond of Rs. 30,000/- and two reliable sureties, each of the like amount, to the satisfaction of the Arresting Officer, subject to the following conditions:-

- (i) Applicant shall cooperate with the Investigating Agency and he shall make himself available for interrogation by a police officer as and when required;
- (ii) If the charge-sheet is filed, the applicant shall attend the trial court regularly and he shall not seek any unnecessary adjournment;
- (iii) Applicant shall not directly or indirectly make any inducement, threat or promise to any person, acquainted with the facts of this case.
- (iv) Applicant shall not leave the country without the previous permission of the trial court.

9. It is made clear that if the applicant misuses or violates any of the conditions, imposed upon him, the prosecution agency will be free to move the Court for cancellation of the anticipatory bail.

ALOK KUMAR VERMA, J.

Date: 29.12.2025
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