HIGH COURT OF UTTARAKHAND AT NAINITAL

Anticipatory Bail Application No.903 of 2024

Harshit Gupta .....Applicant

Versus

State of Uttarakhand and others .....Respondents

Present:-

Mr. Sanjay Bhatt, Advocate for the applicant.
Mr. Siddhartha Bisht, AGA for the State.
Mr. Shariq Khurshid, Advocate for the informant.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant seeks anticipatory bail in FIR No.0299 of 2024, under Sections 376, 504 and 506 IPC, Police Station Kunda, District Udham Singh Nagar.

2. Heard learned counsel for the parties and perused the record.

3. According to the FIR, the applicant and the informant, who is the respondent no.3, came close to each other three years prior to lodging of the FIR. The applicant proposed the informant, in fact, expressed as if they are engaged. Subsequently, once he spiked the drink of the informant and established physical relations with her, and continued doing so on multiple occasions under the pretext of marriage. Thereafter, he declined to marry her.

4. Learned counsel for the applicant would submit that the applicant and the informant both are

major; their relationship was consensual; the certain WhatsApp chat has been referred to argue that the parties were in romantic relations; their marriage could not be formalised.

5. Learned counsel for the informant would submit that under the pretext of marriage, the applicant established physical relations with the informant on multiple occasions. He also assured for the marriage, but his family members did not agree to it. He also declined for marriage.

6. Learned State Counsel would submit that the informant has supported the prosecution case during investigation.

7. Having considered the entirety of facts, this Court is of the view that it is a fit case for anticipatory bail. The instant anticipatory bail application deserves to be allowed.

8. The anticipatory bail application is allowed.

9. In the eventuality of arrest, the applicant shall be enlarged on bail subject to his furnishing a personal bond with two sureties, each in the like amount, to the satisfaction of the Arresting Officer ("AO"). In addition to

it, the applicant shall also comply with the following conditions:

(i) The applicant shall co-operate with the investigation.

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

(iii) He shall not leave the country without prior permission of the concerned court.

(iv) The applicant shall deposit his passport with the AO. The passport may only be returned by the order of the court concerned. In case, the applicant does not have passport, he shall give an undertaking to that effect to the AO.

(v) The applicant shall also give an undertaking on (i), (ii) & (iii) above.

(Ravindra Maithani, J)
11.12.2024

Ravi