

HIGH COURT OF UTTARAKHAND AT NAINITAL

Anticipatory Bail Application No.985 of 2024

GulfamApplicant

Versus

State of UttarakhandRespondent

Present:-

Ms. Mamta Arya, Advocate holding brief of Ms. Prabha Naithani, Advocate for the applicant.

Mr. Siddhartha Bisht, AGA for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant seeks anticipatory bail in FIR No.0150 of 2024, under Section 137(2) of Bharatiya Nyaya Sanhita, 2023, Police Station Banbhulpura, District Nainital.

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

3. Learned State Counsel has placed the objections for perusal of the Court which are taken on record.

4. According to the FIR, the victim, a young girl was found missing from her house on 12.07.2024 at 4:00 early in the morning. Suspicion was raised that it is the applicant who had enticed the victim and taken her away alongwith him.

5. Learned counsel for the applicant would submit that the applicant and the victim both are

married. The date of birth of the victim, as per Aadhar Card is 26.06.2004. She would submit that the Nikahnama and copy of Aadhar Card are on record.

6. Learned State Counsel admits that as per victim, she and the applicant both are married.

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