

HIGH COURT OF UTTARAKHAND AT NAINITAL

Anticipatory Bail Application No. 349 of 2022

Shahanvaz Alias Nawaj and Others

...Applicants

Versus

State of Uttarakhand

....Respondent

Present:-

Mr. Rajveer Singh, Advocate for the applicants.

Ms. Manisha Rana Singh, A.G.A. for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicants Shahanvaz alias Nawaj, Yunus, Naushaz, Shahbaz, Shahnazar Khan seek anticipatory bail in Case Crime No.1264 of 2022, under Sections 498-A, 506, 354, 376(2)(n) and 377 IPC, Police Station Manglaur, District Haridwar.

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

3. According to the FIR, the applicant no.1, Shahanvaz, and the informant were married on 07.11.2019. But, after marriage, the informant was harassed for the demand of dowry. The applicant no.1 established carnal relations against the order of nature with the informant. The applicant nos. 2, 3, 4 and 5 are family members of the applicant no.1. According to the FIR, they also sexually exploited the informant. The informant was threatened. Subsequently, the applicant no.1 married another woman.

4. Learned counsel for the applicants would submit that it is a matrimonial discord and the chargesheet has now been filed under Sections 498-A and 506 IPC against the applicant no.1, Shahanvaz, and against the applicant nos. 2, 3, 4 and 5, chargesheet has been submitted under Sections 498A IPC only.

5. Learned State Counsel admits these facts.

6. Having considered, this Court is of the view that this is a case, in which the applicants should be granted anticipatory bail. The instant anticipatory bail application deserves to be allowed.

7. The anticipatory bail application is allowed.

8. In the eventuality of arrest, the applicants shall be enlarged on bail on their furnishing a personal bond with two sureties, each in the like amount, by each one of them, to the satisfaction of the court concerned. In addition to it, the applicants shall also comply with the following conditions:-

- (i) The applicants shall not approach any witness in any manner, whatsoever.
- (ii) The applicants shall not leave the country without prior permission of the court concerned.

- (iii) The applicants shall deposit their passports with the court concerned. The passports may only be returned by the order of the court concerned. In case the applicants do not have passport, they shall give an undertaking to that effect to the court concerned.
- (iv) The applicants shall also give an undertaking on (i) & (ii) above.

(Ravindra Maithani, J.)
02.05.2024

Ravi Bisht