2025:UHC:10925

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

09TH DECEMBER, 2025

ANTICIPATORY BAIL APPLICATION NO.979 of 2025

Shakul Navi .....Applicant

Versus

State of Uttarakhand .....Respondent

Counsel for the Applicant : Mr. Harshpal Sekhon, Advocate with Mr. Basant Singh, Advocate.

Counsel for the Respondent : Mr. Pradeep Lohani, Brief Holder.

Hon'ble Alok Kumar Verma,J.

This Application has been filed for anticipatory bail in F.I.R. No.561 of 2024, registered at Police Station Rudrapur, District Udham Singh Nagar under Sections 323, 494, 498A, 504 and Section 506 of the Indian Penal Code, 1860, Section 3 read with Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019.

2. Heard Mr. Harshpal Sekhon, learned counsel for the applicant and Mr. Pradeep Lohani, learned Brief Holder for the respondent.

3. Mr. Harshpal Sekhon, Advocate submitted that the applicant is the husband of the informant. All the allegations of the FIR are totally groundless.

Applicant has not pronounced triple talaq to the informant. He wants to live peacefully with his wife and children. He has no criminal antecedents. He is a permanent resident of District Udham Singh Nagar, therefore, there is no possibility of his absconding, and, he was granted interim bail on 27.08.2025 and the conditions of the interim bail have not been violated by him.

4. Mr. Pradeep Lohani, learned Brief Holder, has opposed the anticipatory bail application orally.

5. As per the report of the Registry dated 13.10.2025, notice has been served personally on the informant. There is no representation from the informant.

6. 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.

7. 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 Application, filed for anticipatory bail, is allowed and order dated

27.08.2025, granting interim bail to the applicant, is made absolute. It is directed that in the event of arrest of the applicant Shakul Navi, he shall be released on anticipatory bail on executing a personal 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.

8. 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.

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ALOK KUMAR VERMA, J.

Dt:09.12.2025
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