SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			UKHC010201742026 **ABA/462/2026** Ravi Kumar --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Siddhartha Sah, J.** Mr. Gaurav Singh, learned counsel for the applicant appeared through V.C. 2. Mr. Tumul Nainwal, learned A.G.A. for the State. 3. By means of the present Anticipatory Bail Application, the applicant is seeking anticipatory bail in FIR dated 22.04.2026, registered as FIR No.0364 of 2026, under Section 308(5) of BNS, 2023, Police Station Laksar, District Haridwar. 4. Learned counsel for the applicant would submit that the FIR has been lodged by the informant alleging therein that on 19.04.2026 at about 19:07 hours a call from unknown telephone number was received on his mobile phone threatening him to give Rs.10,00,000/- otherwise he would be shot dead and some unknown persons were also chasing him. The FIR was registered as FIR No.0364 of 2026 under Section 308 (5) of BNS, 2023 at Police Station Laksar, District Haridwar. 5. Learned counsel for the applicant would submit that the alleged mobile phone used in

			extortion does not belong to the present applicant. 6. He would further submit that the only evidence against the present applicant is the statement of the co-accused in the police custody. Apart from this, there is no evidence on record which links the present applicant with the alleged offence. 7. He would further submit that to make out a case under Section 308 (5) of BNS, it is necessary that there must be actual delivery of the amount extorted and in absence of such delivery, mere demand is not sufficient to invoke the said offence. 8. Per contra, learned State counsel would submit that from the report itself, it is *ex-facie* clear that the applicant-accused had made the demand call from his phone and which is one of the reasons for rejection of the anticipatory bail application by the Additional District & Sessions Judge, Laksar, District Haridwar. 9. He would further submit that the applicant has criminal antecedents of three criminal cases against him. He would further submit that looking to the seriousness of the offence and the criminal antecedents, the applicant does not deserve anticipatory bail. 10. On this, learned counsel for the applicant would submit that, in fact, there are only two cases against the applicant and that too of Drug and Cosmetic Act and Mines and Minerals Act. 11. He would further rely upon a judgment of the Hon'ble Supreme Court in the case of Salib @

Shalu @ Salim vs. State of Uttar Pradesh and others, reported in (2023) 20 Supreme Court cases 194 and has drawn the attention of the Court to para 24 thereof, which is being extracted hereunder for ready reference:-

> *"24. Thus, it is relevant to note that nowhere the first informant has stated that out of fear, she paid Rs 10 lakhs to the accused persons. To put it in other words, there is nothing to indicate that there was actual delivery of possession of property (money) by the person put in fear. In the absence of anything to even remotely suggest that the first informant parted with a particular amount after being put to fear of any injury, no offence under Section 386 IPC can be said to have been made out."*

12. Placing reliance upon para 24, he would submit that to make out a case under Section 386 of IPC, there has to be actual delivery of possession of property (money) by the person put in fear.

13. He would further submit that from a bare reading of the FIR, it is abundantly clear that there has been no delivery of money in the present case and thus the offence under Section 308(5) of BNS would not be made out in the present case.

14. After having heard the learned counsel for the parties and after going through the record, it is evident from the bare reading of the FIR that there is a mere allegation of extortion demand against the applicant and there is no delivery of any money.

15. It is also clear from the submissions of learned counsel for the applicant that there is no previous criminal history of similar nature.

16. Having considered the submissions

advanced by learned counsel for the parties, but without expressing any opinion on the final merits of the case, this Court is of the view that the applicant is entitled to be enlarged on anticipatory bail. Accordingly, the anticipatory bail application deserves to be allowed.

17. The Anticipatory Bail Application is allowed.

18. In the eventuality of arrest, the applicant shall be enlarged on bail on his furnishing a personal bond in the sum of Rs.20,000/- with two sureties, each in the like amount, to the satisfaction of the Investigating Officer ("IO"). In addition to it, the applicant shall also comply with the following conditions:-

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

(ii) The applicant shall not approach any witness/victim in any manner, whatsoever.

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

(iv) The applicant shall deposit his passport with the Investigating Officer ("IO"). 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 IO.

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

(Siddhartha Sah, J.)
06-11-2026

Akash