

No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>BA1 No. 2100 of 2025 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Abhishek Verma, learned counsel for the applicant.</p> <p>2. Mr. V.S. Pal, learned A.G.A. for the State.</p> <p>3. Mr. Shubham Pande, learned counsel for the complainant.</p> <p>4. The applicant – Mohammad Alim, who is in judicial custody in connection with FIR/Case Crime No. 352 of 2025, under Sections 318(4), 87 and 64(2)(m) of BNS, registered at P.S.- Ramnagar, District Nainital, has sought his release on bail.</p> <p>5. Heard learned counsel for the parties and perused the records.</p> <p>6. In this case, the complainant, who is the brother of the victim, has lodged an FIR on 21.09.2025 against the present applicant, wherein, he has alleged that his sister used to go to the gym, where the applicant was the trainer; that on 16.09.2025, at 05:00 AM, when her sister went to the gym, the applicant snatched the mobile of his sister and forcibly transferred Rs. 1 Lakh from her UPI. Thereafter, this fact came to the knowledge of complainant when a message was received about the transfer of the money in the mobile phone of his sister. He immediately went to the gym. There he came to know that applicant alongwith some other person kidnapped her sister and forcibly took her in a vehicle. Thereafter, he searched for his sister, but, could not find her. Subsequently, the</p>

		<p>present FIR was lodged and the applicant was arrested on 05.10.2025.</p> <p>7. Learned counsel for the applicant would submit that false and fabricated FIR has been lodged against the applicant; that the applicant is 31 years of age and the victim is 27 years of age and they are in love relationship and since the family of the victim were against their marriage, therefore, they decided to flee away from their house and in the morning of 16.09.2025, they fled away from their house and Nikah was performed at Ramnagar by a Maulvi; that the copy of the Nikahnama is also enclosed in the application as Annexure No. 2; that only after applicant was arrested, the victim went back to her parental home and now under the influence of her parents, she has given such statement, which do not corroborate with the FIR and that the applicant has no previous criminal history. It is also submitted, on instructions, that trial would take some more time as till date only one witness has been examined.</p> <p>8. Heard learned counsel for the parties and perused the records.</p> <p>9. Learned State Counsel, on the other hand, has vehemently opposed the bail application and would submit that the offence alleged is of a grave and heinous nature.</p> <p>10. In rebuttal, learned counsel for the applicant would submit that the physical relationship, if any made between the applicant and the victim, was a consensual.</p> <p>11. The material on record indicates that the prosecutrix had voluntarily left her parental home and accompanied the applicant of her own volition. The victim is legally a major and she is possessed of sufficient understanding,</p>
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maturity, and discernment to comprehend the nature and consequences of her actions, and that she had voluntarily joined the company of the applicant.

12. It is well settled by a catena of decisions of the Hon'ble Supreme Court as well as various High Courts that, in cases involving young offenders and consensual relationships between adolescents, a liberal approach may be warranted at the stage of bail, so as to prevent the regressive and adverse influences of prolonged incarceration and to further the principle of best interest of both the parties involved.

13. Having considered the submissions, under the facts and circumstances of the case and also considering the fact that applicant has no previous criminal history and the trial would take some more time as till date only one witness has been examined, this Court is of the view that it is a case fit for bail and the applicant deserves to be enlarged on bail.

14. Accordingly, the bail application is allowed.

15. Let the applicant be released on bail on his executing a personal bond and furnishing two reliable sureties each of the like amount, to the satisfaction of the court concerned.

(Alok Mahra J.)

11.03.2026

Ujjwal