

2025 LiveLaw (SC) 678

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

B.V. NAGARATHNA; J., SATISH CHANDRA SHARMA; J.
Special Leave Petition (Crl.) No. 4600/2025; MAY 19, 2025

AMAN SIDDIQUI ALIAS AMAN CHAUDHARY ALIAS RAJA
versus
STATE OF UTTARAKHAND

Uttarakhand Freedom of Religion Act, 2018 - Sections 3/5 - Bhartiya Nyaya Sanhita, 2023 - Sections 318(4) and 319 - Code of Criminal Procedure, 1973 - Bail application - Supreme Court granted bail to appellant who was arrested by the police under anti-conversion law following his marriage to a woman belonging to another religion – Marriage was consensual with the approval of their respective families - State cannot object to appellant and his wife living together in consensual case - Pending criminal proceeding cannot come in the way of appellant and his wife residing together on their own volition - Granted bail to appellant - Set aside order of High Court and Appeal allowed.

[Arising out of impugned final judgment and order dated 28-02-2025 in BA1 No. 2576/2024 passed by the High Court of Uttarakhand at Nainital]

For Petitioner(s): Mr. Sanjeev Kumar, Sr. Adv. Ms. Manjula Gupta, AOR Mr. Sudhir Kumar Santoshi, Adv. Mr. Sudhanshu Kumar, Adv.

For Respondent(s): Mr. Siddharth Sangal, AOR Ms. Richa Mishra, Adv. Ms. Mushkan Mangla, Adv.

ORDER

Leave granted.

This appeal challenges the judgment and order dated 28.02.2025 passed by the High Court of Uttarakhand at Nainital in BA1 No.2576 of 2024.

The appellant herein has been booked for the crime registered pursuant to FIR No. 609 of 2024 dated 12.12.2024 lodged with Police Station Rudrapur, District Udham Singh Nagar, with respect to offences punishable under Sections 3/5 of Uttarakhand Freedom of Religion Act, 2018 and under Sections 318(4) and 319 of Bharatiya Nyaya Sanhita, 2023.

An application seeking regular bail having been rejected by the High Court *vide* impugned order dated 28.02.2025, the appellant has preferred the instant appeal.

By order dated 04.04.2025, this Court issued notice to the respondent.

Heard learned senior counsel for the appellant in support of the appeal and learned counsel for the State and perused the material on record.

Learned senior counsel for the appellant contended that a frivolous complainant has been lodged against the appellant herein only because he is married to a lady who is following a different faith. He submitted that the marriage between the parties was an arranged marriage. The facts were known to both sides. The families voluntarily decided to arrange the marriage of the appellant with the lady. However, soon after the marriage certain persons and certain organisations seemed to have objected to the marriage. This resulted in the FIR No.609 dated 12.12.2024 being lodged against the appellant herein. The appellant is in jail for nearly six months. Although, the charge sheet has been filed,

having regard to the nature of the allegations alleged against the appellant herein, he is entitled to the relief of bail by setting aside the impugned order.

Learned senior counsel further submitted that if the appellant is released on bail possibly the appellant and his wife would reside separately from their families and continue to live peacefully without any hindrance. For that reason also, he may be released on bail.

Per contra, learned counsel for the respondent – State with reference to his counter affidavit submitted that there is no merit in this appeal and the same may be dismissed.

We observe that the respondent – State cannot have any objection to the appellant and his wife residing together inasmuch as they have been married as per the wishes to their respective parents and families. In the circumstances, we find that this is an appropriate case where the relief of bail ought to be granted to the appellant herein.

We also make it clear that the pendency of the criminal proceeding against the appellant herein would not come in the way of the appellant and his wife residing together on their own volition.

Considering the facts on record, in our view, the case for bail is made out.

We, therefore, allow this appeal and direct as under:

“The appellant shall be produced before the concerned Trial Court as early as possible and the Trial Court shall release him on bail, subject to such conditions as it may deem appropriate to impose to ensure his presence in the proceedings arising out of FIR No. 609 of 2024 dated 12.12.2024 mentioned above.”

It is directed that the appellant shall extend complete cooperation in the ensuing trial and shall not misuse his liberty.

Any infraction of the conditions shall entail cancellation of bail granted to the appellant.

With the aforesaid directions, the criminal appeal is allowed.