

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>BA1 No. 2576 of 2024</u> <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Ms. Pushpa Joshi, learned Senior Advocate assisted by Ms. Nipush Mola Joshi and Ms. Chetna Latwal, learned counsel for the applicant. 2. Mr. Pankaj Joshi, learned A.G.A. for the State. 3. Mr. Harsh Vardhan Dhanik and Mr. Imran Ali Khan, learned counsel for the complainant. 4. Applicant Aman Siddiqui @ Aman Chaudhary @ Raja is in judicial custody in relation to Case Crime No. 609 of 2024 registered on the basis of the FIR dated 12.12.2024 at P.S. Rudrapur District Udham Singh Nagar wherein the applicant has been implicated for the offence punishable under Section 3/5 of Uttarakhand Freedom of Religion Act 2018 and under Section 218(4), 319 of BNS 2023. 5. As per the allegation, as alleged in the FIR, the applicant engaged with the victim on 13.10.2024, and, thereafter both of them were married with each other on 10.12.2024 as per the Hindu customs and rites. After marriage ceremony the complainant-cousin of the victim along with two brothers went to the applicant's house in Delhi and they observed that most of the people belongs to different community which raise certain suspicions and on further enquiry it was found that the applicant's name is in fact Aman Siddiqui whose father name is Mirajuddin

			and on further enquiry applicant's family admits that they belongs to Muslim community and on the next day of marriage, i.e, on 11.12.2024, an affidavit in the form of undertaking was given copy of which has been placed before this Court by the learned Senior Advocate and the same is taken on record, and the relevant extract of the above undertaking is reproduced herein under:- <i>1. That I am the husband of Smt. Menka Kohli C/o Sh. Vinod Kumar R/o N-171, Ward N-17, Near 31 PAC, Adarsh Colony Rudrapur, Udham Singh Nagar, Uttarakhand-263453.</i> <i>2. That the marriage was solemnized on 10.12.2024 between the deponent and Smt. Menka Kohli at Ward No. 36 Grass Mandi, Adarsh Colony, Rudrapur, Udham Singh Nagar, Uttarakhand in accordance to Hindu Tradition and rituals.</i> <i>3. That as my father Sh. Mirajuddin belong to Muslim Community in assurance I hereby undertake that I would not cause any kind of physical and mental harm to my wife Smt. Menka Kohli.</i> <i>4. That I also undertake I would not force my wife Smt. Menka Kohli in any manner either physically and mentally to convert her to other religion and she will be independent to practice Hindu Religion. Further, she will be free to follow all the Hind Tradition with full freedom and I would not interfere in her religious faith.</i> 6. Thereafter on the next day, i.e, on 12.12.2024, the FIR was lodged and during investigation the statement of the victim were also recorded wherein she supports the allegation as alleged in the FIR and after thorough investigation the charge sheet has been filed. 7. Learned senior counsel Mrs. Pushpa Joshi for the applicant submits that applicant is innocent and everything was disclosed at the time of the engagement of the applicant to the victim and all the rituals were done at the time of the engagement as well as at the time of marriage as per Hindu customs and rites.
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		It is also submitted that in fact mother of the applicant is Hindu by religion and that is the reason the applicant also follows the said religion. Apart from this, learned senior counsel submits that other co-accused, i.e, father and mother of the present applicant have been enlarged on anticipatory bail. She further submits that all the offences are punishable with the sentence of less than seven years and since the charge sheet has been filed there is no need of custodial interrogation and as such applicant deserves for bail. She also submits that the applicant has no previous criminal history. 8. Ms. Pushpa Joshi, learned senior counsel further submits that in fact applicant's mother was a practicing Hindu and did not convert to Islam, despite of marrying a Muslim man, and, in fact applicant's father (Miraj) also separated from his joint family so that the applicant's mother could comfortably follow her customs and rituals of Kumaoni Hindu family. She also submits that the applicant is also living in a completely Hindu environment and not only this, even Jenue (Barpan) ceremony was conducted by his parents. She further submits that before marriage, mother of the victim requested parents of the applicant to print the father's name as Miraj as she did not want to disclose the name of the applicant's father to her relatives. 9. Per contra, learned A.G.A. for the State submits that in fact the applicant and his family members have not disclosed this fact that they belong to different religion which is evident from the fact that in the invitation card name of applicant's father was shown as Miraj and full name has not been described. Apart from this, he submits that the affidavit of the applicant dated 11.12.2024 itself
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			reveals that the applicant's father belongs to different religion which was not disclosed either at the time of engagement or even at the time of marriage otherwise there was no occasion to give such an affidavit. 10. Mr. Harshvardhan Dhanik, learned counsel for the complainant also submits that if the applicant belongs to different religion then marriage between members of two different religion has to be done as per the Special Marriage Act. Apart from this, he also submits that giving affidavit on the next day of marriage, i.e, 11.12.2024 itself reveals that correct facts have not been disclosed at the time of the engagement as well as at the time of marriage. Apart from this, Mr. Dhanik, learned counsel also pointed out that ring ceremony was done on 13.10.2024 and thereafter on 10.12.2024 the marriage took place, however, on the next day of marriage the applicant gave affidavit by saying that applicant's father is Muslim by religion and he will not compel the victim for conversion of her religion. He submits that not only this after two days of marriage, the FIR was lodged and lodging of FIR immediately after two days of the marriage itself reveals that the fact has not been disclosed to the complainant and his family including the victim that in fact applicant belongs to difference religion. 11. After hearing arguments of the learned counsel for the parties and after gone through the entire records this Court is of the view that the applicant does not deserve bail. 12. Accordingly, the bail application is rejected. (Rakesh Thapliyal, J.) 28.02.2025 Parul
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