

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No.1387 of 2024

Hukum Singh Applicant

Versus

State of Uttarakhand Respondent

Present:-

Mr. Jitendra Chaudhary, Advocate for the applicant.

Ms. Manisha Rana Singh, Deputy Advocate General for the State.

Hon'ble Ravindra Maithani, J. (Oral)

The applicant is in judicial custody in FIR No.714 of 2023, dated 01.09.2023, under Section 363, 366, 376(2)(n) IPC and Sections 5(l)/6 of the Protection of Children from Sexual Offences Act, 2012, Police Station Kotwali Laksar, District Haridwar. He has sought his release on bail.

2. Heard learned counsel for the parties and perused the record.

3. According to the FIR, the victim, a young girl, who studying in Class XIIth had left her home on 01.09.2023 to join the class in the school, but she did not return. The informant is the father of the victim found that the Aadhar Card of the victim along with ₹1,70,000/- was also taken by the victim.

4. Learned counsel for the applicant would submit that the applicant and the victim, both are child; the applicant did not commit any offence as told by the victim during investigation.

5. Learned State counsel would submit that in her statement given during investigation the victim reveals that she was in relationship with the applicant; she left her home and visited various places with the applicant; in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973 ("the Code") the victim reveals that they both were in relationship and when the applicant took her along with him, other persons did establish physical relations with her. The victim did not tell that the applicant did establish physical relations with her and subsequently, she tells to the Investigating Officer that she had named other persons on suggestion of her maternal grandmother.

6. It is the stage of bail. Much of the discussion at this stage is to be avoided. To the extent of appreciating the controversy the matter may be examined with the caveat that any observation made at this stage shall have no bearing at any subsequent stage of the case.

7. During investigation, the victim tells to the Investigating Officer that she was in relationship with the applicant and they established physical relations; in her statement under Section 164 of the Code, she told that many other person did establish physical relations with her, but applicant did not establish physical relations with her; when again examined by the Investigating Officer, the victim did say that she had named other persons in her statement under Section 164 of the Code, as suggested by her maternal grandmother.

8. Learned counsel appearing for the applicant would submit that the Legal Aid Counsel was appointed to defend the applicant, but he did not cross-examine the victim. Now, an application has been given seeking permission to cross-examine the victim.

9. Having considered, this Court is of the view that it is a case fit for bail and the applicant deserves to be enlarged on bail.

10. The bail application is allowed.

11. 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.

(Ravindra Maithani, J.)
30.12.2024

Sanjay