

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No.1401 of 2024

Pradeep @ Kuldeep Singh

.....Applicant

Versus

State of Uttarakhand

.....Respondent

Present:-

Ms. Pushpa Joshi, Senior Advocate, assisted by Ms.
Nipushmola Joshi, Advocate for the applicant.
Ms. Rangoli Purohit, Brief Holder for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant is in judicial custody in FIR No. 07 of 2024, under Section 376 (3), 354 (C), 323, 506 IPC, Section 3/4 and 5 (l)/6 of the Protection of Children From Sexual Offences Act, 2012 and Section 67 of the Information Technology Act, 2000, Police Station Tharali, District Chamoli. He has sought his release on bail.

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

3. According to the FIR, the applicant was physically and mentally exploiting the victim, a young girl of 17 years. He had once made her nude video when she was bathing and under the threat of making that video viral, established physical relations with the victim. The FIR is quite in detail.

4. Learned Senior Counsel for the applicant would submit that the entire case is false; the victim has already been examined at trial; she has stated that there was an enmity between the family; there was a case pending in the

Tharali Court, which went in favour of the applicant's family; it is argued that the police never recovered any nude video of the victim while bathing; there is no evidence as to who made the video viral; if from Instagram ID of some Sunil Rawat video was made viral, who runs this Instagram? How it is connected the with the applicant? If the first incident took place during COVID-19 period and in the year 2022, the victim revealed the incident to her mother and she sent the nude photographs in the year 2023, why the FIR was lodged so late in the year 2024? Therefore, it is argued that it is a case fit for bail.

5. Learned State counsel would submit that the victim has supported the prosecution case. Witness Mohit Singh has also supported the prosecution case. She would submit that the victim has not stated that there was enmity between the parties. In fact, she has expressed ignorance about any litigation between the families of the victim and the applicant.

6. It is true that according to the FIR, the first incident took place long back. But then, delay in FIR in such cases is always examined, keeping in view the nature of the offence; in such matters, the family honour is always involved. This factor would found deliberation during trial. The victim calls the applicant as uncle. This is what she has stated. The victim has already been examined. According to

her, the applicant once made her video while she was bathing and thereafter, pressurised her to establish physical relations. The applicant once established physical relation with her. He also compelled her to send him her nude photographs, which she sent. But finally, according to this witness, the applicant made the videos viral from one Insta ID, which was being operated by the applicant.

7. It is true that there is no electronic evidence coming forward to connect as to who had run that Insta ID. According to the victim, she could recognise the voice of the applicant, who was speaking to her through Insta ID.

8. Having considered the entirety of facts, this Court is of the view that there is no ground to enlarge the applicant on bail. Accordingly, the bail application deserves to be rejected.

9. The bail application is rejected.

(Ravindra Maithani, J)
19.12.2024

Jitendra