

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**First Bail Application No.1852 of 2024**

Arvind Kumar .....Applicant

Versus

State of Uttarakhand .....Respondent

Present:-

Ms. Pushpa Joshi, Senior Advocate assisted by Mr. Karan Anand, Advocate for the applicant.

Mr. Pankaj Joshi, AGA for the State.

**Hon'ble Ravindra Maithani, J. (Oral)**

The applicant is in judicial custody in FIR/Case Crime No.56 of 2024, under Sections 376, 506 IPC and Sections 5/6 of the Protection of Children from Sexual Offences Act, 2012, Police Station ITI, District Udham Singh Nagar. He has sought his release on bail.

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

3. According to the FIR, one month's prior to lodging of the FIR, the daughter of the informant ("the victim") started withdrawing herself from everything. She stayed quiet and when inquired, she revealed that the applicant had raped her and also threatened her to life.

4. Learned Senior Counsel appearing for the applicant would submit that the FIR has been lodged on 09.02.2024. According to the FIR, the rape took place a month prior to lodging of the FIR. Whereas, in her statement given under Section 164 of the Code of Criminal Procedure, 1973 as well as before the doctor, the victim has stated that the incident took place on 20.12.2023. It is argued that, in fact, the entire case is false. It has been a planted case.

5. Learned Senior Counsel appearing for the applicant would submit that on 25.12.2023, the informant had a telephonic conversation with the applicant. The transcript has been filed as Annexure no.1 to the supplementary affidavit. Referring to this transcript, learned Senior Counsel would submit that it shows that, in fact, it is a planted case because the informant is agreeing in conversation that nothing has happened and she was demanding money from the applicant. It is argued that subsequent to lodging of the FIR, the applicant had also lodged an FIR bearing FIR No.217 of 2024 at Police Station ITI, District Udham Singh Nagar under Section 388 IPC against the informant, in which, the informant had applied for anticipatory bail. The State had objected to it and

admitted that the conversation took place on 25.12.2023 at 09:00 PM for 10 minutes and 25 Seconds. The FIR in that case records that let the voice be forensically examined and it is stated that, it is under investigation.

6. Learned State counsel admits these factual narrations.

7. 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.

8. The bail application is allowed.

9. 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.)  
19.12.2024

Sanjay