



2025:UHC:9715

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

04TH NOVEMBER, 2025

FIRST BAIL APPLICATION NO.808 of 2025

Rahul Kumar Applicant

Versus

State of Uttarakhand Respondent

Counsel for the Applicant : Mr. Vikas Bahuguna,
Advocate.

Counsel for the Respondent : Mrs. Rangoli Purohit,
Brief Holder.

Hon'ble Alok Kumar Verma,J.

Applicant is in judicial custody for the offence punishable under Section 376 of the Indian Penal Code, 1860 and Section 5(j)(ii) read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 in Case Crime No.01 of 2024 of the Revenue Police Station Bichla Dhangu-2 District Pauri Garhwal.

2. According to the First Information Report dated 11.08.2024, the victim's mother had stated that the victim got married to Rahul, son of unknown, 2 years ago and she (victim) is eight months pregnant. The victim's statement was recorded by the Magistrate under sub-section (5) of Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 on 25.09.2024. She



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had given a statement to the Magistrate that she had gone to the village of her maternal grandmother in the month of September, where Rahul raped her. But, due to shame, she did not inform her family about the said incident. When a child was born in the eight month, then her family members came to know about the incident. According to the statements of the victim's father (PW1) and victim's mother (PW2), the victim had told them that father of her child is Rahul. The victim (PW3), aged about 17 years, has stated that she had gone to her aunt's village (village of her Mausi) in the month of December. She had gone to Rahul's house to talk to her mother on phone, where he committed rape on her. According to the DNA report dated 21.12.2024, the victim is the biological mother of the child, but, the accused is not the biological father of the child of the victim.

3. Smt. Sandhya Negi, the Investigating Officer, is present through video conferencing. She has stated that the DNA report was received by her after the charge-sheet was filed.

4. Heard Mr. Vikas Bahuguna, learned counsel for the applicant and Mrs. Rangoli Purohit, learned Brief Holder for the respondent.



5. Mr. Vikas Bahuguna, Advocate, appearing for the applicant, has contended that there are serious contradictions in the statements of the alleged victim. According to one of the statements of the alleged victim, she was raped in the month of September, but, according to her statement given during the trial, she was raped in the month of December. The DNA report also does not support the story of the alleged victim. Applicant is a permanent resident of District Pauri Garhwal, therefore, there is no possibility of his absconding, and, he is in custody since 04.10.2024.

6. Mrs. Rangoli Purohit, learned Brief Holder, has opposed the bail application.

7. Bail is the rule and committal to jail is an exception. Refusal of bail is a restriction on the personal liberty of the individual, guaranteed under Article 21 of the Constitution of India. The object of keeping the accused person in detention during the trial is not punishment. The main purpose is manifestly to secure the attendance of the accused.

8. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, no reason is found to keep the applicant behind the bars for an indefinite period,



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therefore, without expressing any opinion as to the merits of the case, this Court is of the view that the applicant deserves bail at this stage.

9. The Bail Application is allowed.
10. Let the applicant- Rahul Kumar be released on bail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned.

ALOK KUMAR VERMA, J.

Dt:04.11.2025
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