



2025:UHC:11129

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

12TH DECEMBER, 2025

FIRST BAIL APPLICATION NO.1397 of 2025

Rakesh Kumar Applicant

Versus

State of Uttarakhand Respondent

Counsel for the Applicant : Mr. Vikas Kumar
Guglani, Advocate
through video
conferencing.

Counsel for the Respondent : Mr. Chitrarth Kandpal,
Brief Holder.

Hon'ble Alok Kumar Verma,J.

The Applicant- Rakesh Kumar is in judicial custody for the offence punishable under Section 64 of the Bharatiya Nyaya Sanhita, 2023 and Section 3 read with Section 4 of the Protection of Children from Sexual Offences Act, 2012 in Case Crime No.284 of 2025, registered at Police Station Rudrapur, District Udham Singh Nagar.

2. Heard Mr. Vikas Kumar Guglani, learned counsel for the applicant and Mr. Chitrarth Kandpal, learned Brief Holder for the respondent.

3. Mr. Vikas Kumar Guglani, Advocate, contended that the applicant, aged about 65 years, has



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been falsely implicated in the present matter. He has not committed the said offence. This submission of the applicant is supported by the prosecution witnesses. The informant of the First Information Report (PW1) and the alleged victim (PW2), aged about 14 years, have not supported the case of the prosecution. Applicant has no criminal antecedents. He is a permanent resident of District Udham Singh Nagar, therefore, there is no possibility of his absconding, and, he is in custody since 18.06.2025.

4. Mr. Chitrarth Kandpal, learned Brief Holder, has opposed the bail application. However, he has conceded that the informant and the victim have not supported the case of the prosecution.

5. 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 in detention during the trial is not punishment. The main purpose is manifestly to secure the attendance of the accused.

6. 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, 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.

7. The Bail Application is allowed.

8. Let the applicant- Rakesh 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: 12.12.2025
Neha

Digitally signed by NEHA BISHT
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