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HIGH COURT OF UTTARAKHAND AT NAINITAL

Second Bail Application No. 216 of 2024

10 January, 2025

Sanju Singh

--Applicant

Versus

State of Uttarakhand

--Respondent

Present:

Mr. Pradeep Chamyal, learned counsel for the applicant.

Mr. Deepak Bisht, learned Deputy Advocate General for the State of Uttarakhand.

Hon'ble Vivek Bharti Sharma, J. (Oral)

Applicant Sanju Singh, who is in judicial custody in FIR No. 363 of 2022 punishable under Sections 363, 366, 376(3) of IPC and Section 5/6 of Protection of Children from Sexual Offences Act, registered at Police Station Rudrapur, District Udham Singh Nagar, has sought his release on bail.

2. Heard learned counsel for the parties and perused the material available on file.

3. Learned counsel for the applicant/accused would submit that the applicant/accused is an innocent person and he has falsely been implicated in the instant crime; that, the applicant/accused is languishing in jail



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since 20.06.2022; that, the applicant/accused is not named in the F.I.R., therefore, no purpose would be served by keeping the applicant/accused in jail as the trial is likely to take considerable time.

4. He would further submit that this is the Second Bail Application; that, the First Bail Application was rejected on 17.05.2023; that, by the date when the First Bail Application was rejected, the evidence of the prosecutrix/victim and her mother were recorded, however, after rejection of the first bail application, the statement of the Principal of the school, where the prosecutrix/victim had studied and the doctor, who examined the prosecutrix/victim were examined as PW 4 & PW 3 respectively.

5. He would further submit that the trial of the case is going on at a very slow pace and during the last one and a half years only three witnesses have been examined, therefore, the applicant/accused is entitled for bail and that is more so for the reason because in the statement of the prosecutrix/victim, she had accepted that the physical relations were established between the applicant/accused and the prosecutrix with her own consent and she had gone with the applicant/accused for which the applicant/accused had not threatened the



prosecutrix/victim for any dire consequences if she did not accompany with the applicant/accused.

6. He would further submit that in the cross-examination, the prosecutrix/victim had unequivocally admitted that she had married the applicant/accused in temple with her own sweet will and there was no force upon her; that, the prosecutrix/victim had stated to the doctor at the time of the medical that physical relation was made with her own consent.

7. He would further submit that for the purposes of the registration of marriage, the online application was filed (*Annexure No. 8 to the bail application*) and in support of the case, the prosecutrix had sworn in affidavit (*Annexure No. 9 to the bail application*) in which she stated that her date of birth as 01.01.2003 and she was major at the time of the alleged incident.

8. Per Contra, learned State counsel vehemently opposed the bail application of the applicant/accused, however, would fairly concede that trial against the applicant/accused is going on at a very slow pace and it should have been concluded within the period since the first bail application was rejected till today.

9. In the circumspection of facts as stated above,



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without expressing any opinion about merits of the case before the Trial Court, this Court is of the view that this is a case fit for bail.

10. The bail application is, accordingly, allowed. Let the applicant be released on furnishing bail bond with two sureties in the amount of ₹25,000/- and personal bond of the like amount to the satisfaction of the learned Trial Court.

(Vivek Bharti Sharma, J.)
10.01.2025

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