



SL. No.	Date	Office Notes, reports, orders or proceedings or directions or Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BAI No.1954 of 2025 <u>Hon'ble Alok Mahra, J.</u> Ms. Laybanoor and Mr. Amit Kapri, learned counsel for the applicant. 2. Mr. Devendra Singh, learned AGA along with Mr. Vikash Uniyal, learned Brief Holder for the State. 3. Applicant Sachin Kumar, who is in judicial custody in connection with F.I.R./Case Crime No.05 of 2025, under Section 64(m), 351(3) of B.N.S. and Section 5(j)(ii)(1) & Section 6 of POCSO Act, registered at Police Station Berinag, District Pithoragarh. 4. Heard learned counsel for the parties and perused the record. 5. The First Information Report was lodged by the uncle of the victim, alleging that on 01.02.2025 he had taken the victim, who is stated to be of unsound mental condition, to the Child Welfare Protection Office, Pithoragarh. During the medical examination conducted there, it was revealed that the victim was approximately four months pregnant. It was further alleged that the victim is a minor, aged about 16 years, and that she had been subjected to sexual assault by some unknown persons. Subsequently, the statement of the victim was recorded in accordance with the prescribed procedure, wherein she specifically named the present applicant along with two other persons as the perpetrators of the sexual assault.



			Thereafter, the victim was again subjected to medical examination, which revealed that she was approximately three and a half months pregnant. The said pregnancy was medically terminated pursuant to the permission and directions issued by the competent court under the provisions of the Medical Termination of Pregnancy Act, 1971, and the foetus was duly preserved. 6. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated. Learned counsel further submits that, pursuant to an application moved by the accused persons, the DNA of the foetus was sent for comparison with the DNA profiles of the applicant as well as the other two co-accused. As per the report of the Forensic Science Laboratory, none of the accused persons, including the present applicant, has been found to be the biological father of the foetus. 7. Learned counsel for the appellant further submitted that the applicant is a young person, aged about 20 years, and that his continued incarceration for an indefinite period would cause irreparable prejudice to his career and future prospects; that, the co-accused, namely, Himanshu Kumar @ Hemu has already been granted bail by this Court vide order dated 04.12.2025 and the applicant/accused is also entitled to be released on bail on the basis of parity. In the event of his release, the applicant undertakes not to misuse the liberty of bail and to furnish adequate and reliable sureties to the satisfaction of this Hon'ble Court.
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8. Learned counsel appearing for the State would fairly admit that it is a case of parity.

9. In view of the above, but, without expressing any opinion about merits of the case before the Trial Court, this Court is of the view that this is a fit case for bail on the ground of parity.

10. The bail application is thus, allowed and the applicant is directed to 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.

(Alok Mahra, J.)
18.12.2025

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