



IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

09th JANUARY, 2026

SECOND BAIL APPLICATION NO. 5 of 2026

Irfan Applicant

Versus

State of Uttarakhand Respondent

Counsel for the Applicant : Mr. Mohd. Safdar, Advocate.

Counsel for the Respondent : Mr. Akshay Latwal, Assistant
Government Advocate.

Hon'ble Alok Kumar Verma, J.

Applicant is in judicial custody for the offence punishable under Sections 64(2)(f), 64(2)(m), 87, 137(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 5(j)(ii)(n) read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 in Case Crime No.466 of 2024, registered at Kotwali Gangnagar, District Haridwar.

2. The First Bail Application (No.1816 of 2025) was dismissed as withdrawn on 06.01.2026 granting liberty to the applicant to file afresh.

3. According to the First Information Report, the informant's daughter left the house on 06.09.2024 but did not return. The informant has lodged the First Information Report against the applicant on the basis of



suspicion.

4. Heard Mr. Mohd. Safdar, learned counsel for the applicant and Mr. Akshay Latwal, learned Assistant Government Advocate for the respondent.

5. Mr. Mohd. Safdar, Advocate, contended that the allegations of the informant are totally false. Applicant was not involved in the said offence. The alleged victim (PW2) has not supported the case of the prosecution. Applicant has no criminal antecedents. He is a permanent resident of District Haridwar, therefore, there is no possibility of his absconding, and, he is in custody since 05.10.2024.

6. Mr. Akshay Latwal, Assistant Government Advocate, has opposed the bail application. However, he submitted that the victim has not supported the case of the prosecution.

7. The victim has stated that the applicant did not take her with him on 06.09.2024 and he did not establish physical relations with her.

8. 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



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punishment. The main purpose is manifestly to secure the attendance of the accused.

9. 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.

10. The Bail Application is allowed.

11. Let the applicant-Irfan 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: 09.01.2026

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