

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	 COURT'S OR JUDGES'S ORDERS 2026:UHC:2309
			<u>BA1 No. 36 of 2026</u> Deewana Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Shashi Kant Shandilya, learned counsel for the Applicant. 2. Mr. N.S. Kaniyal, learned A.G.A. for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant–Deewana, S/o Shri Bablu, R/o near Ravidas Temple, Boodpur Noorpur Chauhan, Police Station Jhabreda, District Haridwar. The Applicant is in judicial custody in connection with FIR No. 276 of 2025, registered at Police Station Jhabreda, District Haridwar, for the offences punishable under Sections 137(2), 65(2) of the B.N.S., 2023 and Sections 5(m)/6 of the POCSO Act. 4. Heard Mr. Shashi Kant Shandilya, learned counsel for the Applicant and Mr. N.S. Kaniyal, learned A.G.A. for the State. Perused the record. 5. As per the FIR, the same was lodged on 13.09.2025, alleging an incident dated 11.09.2025, wherein the prosecutrix, aged about 10 years, was allegedly returning home with her grandmother from her uncle's house, when the Applicant allegedly took her to his house, touched her private parts and kissed her. 6. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the present case and is languishing in jail since 15.09.2025. It is further submitted that during the investigation, the prosecutrix was medically examined; however, at the time of medical examination, the family of the prosecutrix allegedly refused internal examination. It is further submitted that there is a delay of two days in lodging the FIR, which casts serious doubt on the prosecution story. It is also submitted that the Applicant has no

		previous criminal antecedents, no injury was found on the body of the victim, and the entire story is a developed one. 7. On the other hand, learned A.G.A. for the State vehemently opposed the Bail Application, contending that the victim, in her statement, has sufficiently explained the involvement of the accused and made specific allegations against him, on the basis of which offences under Sections 65(2), 137(2) of the B.N.S., 2023 and Sections 5(m)/6 of the POCSO Act are made out. It is further submitted that the Applicant has been charge-sheeted for committing a heinous crime against a minor; as such, in view of the facts and circumstances of the case, the Bail Application is liable to be rejected and is strongly opposed. 8. Considering the nature and gravity of the allegations, the manner in which the offence has been committed, the role attributed to the Applicant, and the fact that the trial is in progress, this Court is not inclined to grant bail to the Applicant at this stage. 9. Accordingly, the Bail Application is rejected. 10. However, it is clarified that the observations made herein are only for the purpose of deciding the present Bail Application and shall not affect the merits of the case during trial. 11. All pending applications, if any, stand disposed of. (Ashish Naithani, J.) 01.04.2026 Shiksha
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