

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:2717
			<u>BA1 No. 41 of 2026</u> Mahak Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Vaibhav Singh Chauhan, learned counsel holding brief of Mr. Sagar Kothari, 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-Mahak @ Deepshikha, D/o Shri Prakash Malik, R/o Gali No. 28, Shivaji Nagar, Rishikesh, District Dehradun. The Applicant is in judicial custody in connection with Case Crime No. 693 of 2024 (Sessions Trial No. 15 of 2025), registered at Police Station Rishikesh, District Dehradun, for the offences punishable under Sections 137(2), 96, 65(1) of the B.N.S., 2023 and Sections 16/17 of the Protection of Children from Sexual Offences Act, 2012. 4. Heard Mr. Vaibhav Singh Chauhan, learned counsel for the Applicant, and Mr. N.S. Kaniyal, learned A.G.A. for the State. The record has been perused. 5. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the present case and has been languishing in judicial custody since 01.12.2024. It is contended that there are no specific allegations of administering any intoxicant or committing rape against the Applicant, and that the alleged acts are attributed to the co-accused, namely, Shashank and Hemant Sharma. It is further contended that there is no allegation that the Applicant took the victim forcibly; rather, the victim accompanied the Applicant of her own will to attend a birthday party. The victim, in

		her statement, has stated that she herself went along with “Mahak didi”, i.e., the present Applicant. It is also submitted that the Applicant is a young girl, aged about 21 years, having no criminal antecedents and no direct role in the alleged offence. It is argued that her continued incarceration would seriously prejudice her future prospects and career. It is further contended that the Applicant neither administered any intoxicant to the victim nor participated in the alleged offence, and that the incident, if any, arose out of circumstances beyond her involvement. 6. Per contra, learned State Counsel has vehemently opposed the bail application, submitting that there is sufficient material on record against the Applicant. It is contended that the statements of the victim were recorded under Sections 180 and 183 of the B.N.S.S., and on the basis of the said statements, the involvement and role of the Applicant, along with the co-accused, have come to light. It is further submitted that, as per the statement of the Principal recorded under Section 180 of the B.N.S.S., 2023, the date of birth of the victim is 09.05.2010, thereby indicating that the victim is a minor. 7. This Court is of the view that, in the alleged incident of kidnapping a minor girl, the present Applicant appears to have played an instrumental role in enticing the victim and taking her away. The material on record further <i>prima facie</i> indicates that, in connivance with the co-accused, namely, Shashank and Hemant Sharma, the victim was taken to a hotel, where she was administered an intoxicant and subjected to sexual exploitation. Thus, the Applicant cannot be said to be a mere bystander, and her role appears to be an integral part of the alleged offence, <i>prima facie</i> attracting the ingredients of criminal conspiracy. 8. After hearing the rival submissions and considering the material available on record, this Court is of the considered view
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			that, at this stage, no sufficient ground is made out for grant of bail. The contention that the victim accompanied the Applicant of her own will does not enure to the benefit of the Applicant, particularly in view of the fact that the victim is a minor and the material on record <i>prima facie</i> indicates the involvement of the Applicant in the commission of the alleged offence. 9. In view of the above, this Court is not inclined to grant bail to the Applicant at this stage. 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.) 16.04.2026 Shiksha
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