



IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

10TH JANUARY, 2026

SECOND BAIL APPLICATION NO. 11 of 2026

Ehsaan

....Applicant

Versus

State of Uttarakhand

....Respondent

Counsel for the Applicant : Mr. Shivam Gulati, Advocate.

Counsel for the Respondent : Mr. Pradeep Lohani, Brief Holder.

Hon'ble Alok Kumar Verma, J.

The applicant- Ehsaan is in judicial custody for the offence punishable under Section 376(2)(n), Section 376DA of the Indian Penal Code, 1860 and Section 5(g)(ℓ) read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 in Case Crime No. 105 of 2022, registered at Kotwali, Jwalapur, District Haridwar.

2. The First Bail Application (No.2504 of 2025) was dismissed as withdrawn on 07.01.2026 granting liberty to the applicant to file afresh.

3. Heard Mr. Shivam Gulati, learned counsel for the applicant and Mr. Pradeep Lohani, learned Brief Holder for the respondent.



4. Mr. Shivam Gulati, Advocate, submitted that as per the prosecution, the victim was kidnapped and raped by the present applicant and co-accused persons for 17 days, but the medical report does not support the case of the prosecution. The medical report states that hymen was intact and there was no injury on the body of the alleged victim. The DNA report does not support the case of the prosecution. The alleged victim has not supported the case of the prosecution in her statement, recorded under Section 164 of the Code of Criminal Procedure, 1973 and as PW1 in her examination-in-chief. Applicant has no criminal attendants. He is a permanent resident of District Saharanpur (Uttar Pradesh), therefore, there is no possibility of his absconding. Co-accused persons have been granted regular bail by this Court, and, the applicant is in custody since 05.03.2022.

5. Mr. Pradeep Lohani, Brief Holder, has opposed the bail application orally.

6. 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.

7. 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.

8. The Bail Application is allowed.

9. Let the applicant - Ehsaan 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.

Date: 10.01.2026
JKJ/ Pant