

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:3652
			<u>BA1 No. 81 of 2026</u> Kaushal Kumar Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Harendra Belwal, learned counsel for the Applicant. 2. Mr. Dinesh Chauhan, learned A.G.A. for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Kaushal Kumar, S/o Deepak Kumar, R/o Village Nandpur Narka Topa, Police Station Bajpur, District Udham Singh Nagar. The Applicant is in judicial custody in connection with FIR No. 341 of 2025, registered at Police Station Bajpur, District Udham Singh Nagar, for offences punishable under Section 64(1) of the B.N.S., 2023 and Sections 3/4 of the Protection of Children from Sexual Offences Act, 2012. 4. Heard Mr. Harendra Belwal, learned counsel for the Applicant and Mr. Dinesh Chauhan, learned A.G.A. for the State of Uttarakhand. Perused the record. 5. Learned counsel for the Applicant submitted that the Applicant has been falsely implicated and has not committed the offences alleged in the FIR and is languishing in jail since 12.09.2025. It is further submitted that due to personal grudge and family dispute, the informant, who is a relative of the Applicant, lodged the FIR. Learned counsel further submitted that the victim was not medically examined and there is no medical evidence to support the version narrated by the victim in her statement. It is also contended that there is no direct evidence available on record against the Applicant and that he has no criminal history to his

		credit nor has he ever been previously convicted in any criminal case. 6. Per contra, learned State Counsel vehemently opposed the bail application and submitted that the victim, in her statements recorded under Sections 180 and 183 of the B.N.S.S., 2023, has fully supported the prosecution version. It is further submitted that, as per the school records, the date of birth of the victim is 04.04.2009 and, therefore, she was a minor on the date of the alleged incident. 7. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the allegations levelled against the Applicant are grave and serious in nature. The statements of the victim recorded under Sections 180 and 183 of the B.N.S.S., <i>prima facie</i>, inspire confidence at this stage and specifically attribute allegations against the Applicant. The plea raised on behalf of the Applicant regarding false implication on account of family dispute is a matter of evidence, which cannot be conclusively examined at the stage of consideration of bail. 8. This Court further finds that the victim is stated to be a minor as per the educational records placed on record and the rigours of the POCSO Act are attracted in the present matter. The absence of medical examination, by itself, is not sufficient to discard the prosecution case at this preliminary stage, particularly when the statement of the victim is consistent and specific in nature. 9. Considering the nature and gravity of the offence, the severity of punishment prescribed, the age of the victim, and the overall facts and circumstances of the case, this Court is not inclined to enlarge the Applicant on bail at this stage. Furthermore, the possibility of the Applicant influencing witnesses or tampering with the evidence cannot be ruled out.
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			10. Accordingly, the Bail Application is rejected. 11. However, it is clarified that any observations made herein are only for the purpose of adjudication of the present bail application and shall not influence the trial on merits. 12. All pending applications, if any, shall stand disposed of. (Ashish Naithani, J.) 13.05.2026 Shiksha
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