



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Bail Application No.86 of 2026

Vijay Kohli

....Applicant
(In Jail)

Vs.

State of Uttarakhand

...Respondent

Presence: Mr. Akshay Joshi, learned counsel for the Applicant.
Mr. Chittrarth Kandpal, learned Brief Holder for the State of Uttarakhand.

Hon'ble Ashish Naithani, J.

1. By means of the present bail application applicant-Vijay Kohli has sought his release in connection with Special Session Trial No.23 of 2025 arising out of FIR/Case Crime No.01 of 2025 under Section 323, 363, 376, 504 & 506 of IPC and Section 3/4, 11/12 of POCSO Act and Section 67 (b) IT Act, Revenue Patti Bhuvaneshwar, Tehsil Berinag, District Pithoragarh.

2. According to the FIR daughter of Chandan Singh Saun, resident of village Simayal, Patti Bhuvneshwar, Tehsil Berinag, District Pithoragarh is 17 years old. On 01.02.2025 his nephew informed him about the obscene video of his daughter-victim, which has been made in an objectionable position. When he insisted and asked his daughter-victim about the same she told that when she was studying in class 10th at Vivekananda Inter College, Gangolihat, then Vijay Kohli-applicant, used to harass her every day, so she started talking to him on his mobile. One November 2021, Vijay Kohli-applicant lured her and took her with him to his sister's house in Pithoragarh and forcibly made physical relations and raped her and also made her obscene video and



told her that if she told anyone about this, he would kill her and also made her video viral.

3. Learned counsel for the applicant submits at the outset that firstly the parity must be given to the applicant as other four co-accused have been bailed out. Secondly, it is stated that the allegations that have been alleged against the applicant that he had made obscene mobile video of the victim is false and cannot be taken at the face of it firstly because it is not supported with a certification that is required as per law under Section 65 (B) of the Indian Evidence Act and there is nothing to support the same from the FSL; besides this at this era of artificial intelligence (AI) such video can be morphed and be made with artificial intelligence and, therefore, certification under Section 65(B) of the Indian Evidence Act is relevant and without that conviction cannot be based resulting in a benefit for bail for the applicant. Thirdly, it is stated that the applicant is languishing in jail since 02.03.2025 and till today only two witnesses out of eighteen witnesses have been examined so far it will take a while for the matter to be concluded and hence it is requested that he should be enlarged on bail. It is also stated that the FIR is lodged with delay.

4. Learned State counsel however objects to the said submission and firstly it is stated that the grounds, so raised regarding parity, cannot be accorded to the applicant for bail as the present applicant is the main accused, who had subjected the victim to sexual harassment and thereafter making the obscene video and later blackmailing her with the same. As far as the certification under Section 65(B) the Indian Evidence Act is concerned that is a matter that to be considered on



merit and will be seen at the stage of evidence. It is also stated that witness as testified before the court and the witness as stated in her statement under Section 183 of B.N.S.S. alleging against the accused that in 2021, she received the friend request of a boy on F.B., and we started talking and became friends. After a few days, I made him blocked. Then he started harassing me outside my room. When I went to my village, he started harassing me by calling me on the villagers' phones. Then I went to Gangolihat, and he came to my room and started harassing me. We took a simple photo together. Then this boy showed me that photo and threatened to send it to my family. Then he told me to come to Pithoragarh, and he forcibly brought me to Pithoragarh. Then he took me to his sister's room, where he forcibly made physical relation and made a video of me. When I refused, he cut my hand and threatened to kill me if I didn't talk to him. Then he made my video viral."

5. Having considered the facts and circumstance of the case and considering the seriousness of the matter, this Court is not inclined to grant bail to the applicant. Accordingly, bail application is **rejected**.

(Ashish Naithani J.)

11.03.2026

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