



2026:UHC:3396

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No.123 of 2026

Jaideep Ramji Tukadia @ Jai Joshi

.....Applicant

Vs.

State of Uttarakhand

.....Respondent

Presence: Mr. Prateek Tripathi, learned legal aid counsel for the Applicant.

Mr. Dinesh Chauhan, learned AGA for the State of Uttarakhand.

Hon'ble Ashish Naithani, J (Oral)

The present first bail application has been moved by the applicant, Jaideep Ramji Tukadia @ Jai Joshi, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking his release on bail in connection with F.I.R. dated 10.07.2024 being Case Crime No. 76 of 2024, registered at Police Station Banbasa, District Champawat, for offences punishable under Sections 120B, 323, 344, 346, 347, 367, 374, 386, 419, 420 and 506 IPC, presently pending as Sessions Trial No. 1 of 2025. The applicant is in judicial custody since 15.09.2024.

2. The State's case, in brief, is that a complaint was lodged by one Gajendra Singh Saun alleging that his son, Lalit Saun, had gone from Delhi to Bangkok for employment, but thereafter his whereabouts became unknown. It was alleged that the complainant subsequently came to know that his son was confined at an island in Myanmar and was being subjected to harassment, and that communication was being made through certain mobile numbers and a WhatsApp group.

3. On the basis of the said complaint, the present F.I.R. dated 10.07.2024 was registered initially under Section 365 IPC. During the

course of investigation, statements of several witnesses and alleged victims were recorded, and upon completion of investigation, a charge-sheet dated 06.12.2024 came to be filed against the applicant and others for offences under Sections 120B, 323, 344, 346, 347, 367, 374, 386, 419, 420 and 506 IPC. Charges have also been framed and the trial is stated to be in progress.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated and has no direct role in the alleged offence. It is argued that the complainant is not an eye-witness and the F.I.R. is based on hearsay information allegedly received from unknown sources, which renders the State's case doubtful.

5. It is further submitted that the statements of prosecution witnesses are contradictory in nature. While some witnesses have alleged that the applicant arranged travel tickets, others have attributed such role to different persons, thereby creating material inconsistencies in the State's case.

6. Learned counsel for the applicant further submits that the charge-sheet has already been filed and the evidence stands crystallized, hence there is no possibility of tampering with the evidence. It is also contended that the applicant has been in judicial custody since 15.09.2024 and continued detention would amount to pre-trial punishment.

7. It is further argued that the alleged incident is stated to have taken place partly outside India and, therefore, in view of Section 208 of the Bharatiya Nagarik Suraksha Sanhita, prior sanction of the Central Government is required, which has not been obtained.

8. It is also submitted that the applicant has already been granted bail in one similar case and undertakes to cooperate with the trial. On these grounds, prayer has been made to enlarge the applicant on bail.

9. Per contra, learned State counsel has opposed the bail application and submits that the allegations against the applicant are serious in nature and disclose an organized racket involving trafficking and exploitation of innocent persons under the guise of providing employment abroad.

10. It is submitted that during investigation, statements of multiple victims and witnesses have been recorded which prima facie establish the role of the applicant in luring victims, arranging their travel and facilitating their illegal confinement and exploitation.

11. Learned State counsel further submits that the applicant is a habitual offender and is involved in other similar criminal cases registered in the State of Uttarakhand, which reflects his criminal antecedents.

12. It is also argued that considering the gravity of the offence, the manner in which it has been committed and the possibility of influencing witnesses, the applicant does not deserve to be released on bail.

13. The Court has considered the rival submissions advanced by learned counsel for the parties and perused the material available on record. From a prima facie reading of the record, it emerges that the allegations against the applicant are serious in nature and pertain to an organized activity involving inducement of persons on the pretext of

providing employment abroad, followed by their alleged illegal transportation, confinement and exploitation in foreign territory.

14. As per State's case, the son of the complainant had gone abroad for employment and thereafter went missing, and during investigation statements of multiple victims and witnesses have been recorded, including the complainant and several alleged victims. The material on record indicates that the investigation has culminated in submission of charge-sheet after collection of what has been described as credible evidence against the applicant.

15. The allegations against the applicant are serious. The State's case, based on statements of multiple victims, prima facie reveals an organized racket wherein innocent unemployed persons were lured with false promises of jobs abroad, their travel was arranged, and they were thereafter illegally confined in Myanmar and subjected to bonded labour. The offences include Sections 120B, 367, 374 and 386 IPC, which reflect the gravity of the alleged conduct.

16. Learned counsel for the applicant has pointed out contradictions in the statements of witnesses regarding who arranged the air tickets. While this Court notes these inconsistencies, at the stage of bail, a detailed appreciation of evidence is neither required nor permissible. Such contradictions are matters to be tested during trial and do not, at this stage, render the State's case unbelievable.

17. The argument based on Section 208 BNSS that the alleged offence being committed outside India requires prior sanction of the Central Government has been considered. This Court is of the view that this submission goes to the jurisdiction of the trial court and does not

constitute an absolute bar on considering bail. This ground is not sufficient to enlarge the applicant on bail at this stage.

18. A significant factor weighing against the applicant is his criminal antecedents. The Applicant is involved in two other similar cases in Uttarakhand. While he has been granted bail in one, his bail application in the other has been rejected. This pattern of repeated involvement in identical offences raises a reasonable apprehension that the applicant, if released, may influence witnesses or tamper with evidence.

19. The compounding entered into by a co-accused with some victims does not entitle the applicant to bail as a matter of right, especially when his alleged role appears distinct and more integral to the conspiracy.

ORDER

20. Having regard to the nature and gravity of the offence, the manner in which it has been allegedly committed, as well as the criminal antecedents attributed to the applicant, this Court is not inclined to enlarge the applicant on bail.

21. Accordingly, the bail application is **rejected**.

(Ashish Naithani, J.)

24.04.2026

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