

SL. No	Date	Office Notes, reports, orders or proceedings or directions or Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:3003
			<u>BA2 No. 29 of 2026</u> Rohit Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Gaurav Singh, learned counsel for the Applicant. 2. Mr. Dinesh Chauhan, learned A.G.A. for the State of Uttarakhand. 3. The present Second Bail Application has been moved by the Applicant—Rohit, S/o Jagdish, R/o Patti Tidan Lisad Majra, Hasanpur Shamli, Uttar Pradesh. The Applicant is in judicial custody in connection with FIR/Case Crime No. 450 of 2024, registered at Police Station Ranipur, District Haridwar, for the offences punishable under Sections 137(2), 144(1), 144(2), 142, 143(2), 61(1)(b), 96 of B.N.S., 2023 and Sections 16/17 of the Protection of Children from Sexual Offences Act, 2012. 4. Heard Mr. Gaurav Singh, learned counsel for the Applicant, and Mr. Dinesh Chauhan, learned A.G.A. for the State. Perused the record. 5. The First Bail Application was dismissed as withdrawn with liberty to file a fresh bail application. 6. Learned counsel for the Applicant submits that there is a delay of two days in lodging the FIR, however, no reasonable explanation of such delay has been furnished in the FIR. It is further submitted that the Applicant neither enticed the prosecutrix nor got her married to any person and has been falsely implicated on the basis of a concocted story. It is also submitted that the statements of the prosecutrix recorded under Sections 180 and 183 of B.N.S., 2023 do not contain any allegation of sexual assault against the

		present Applicant. It is further argued that nothing has been recovered from the possession or at the instance of the Applicant and even the medical evidence does not support the prosecution case. Learned counsel for the Applicant submits that there is no evidence on record connecting the Applicant with the alleged offence. The Applicant is languishing in jail since 12.12.2024, has no criminal antecedents and is not a previous convict. Accordingly, prayer has been made to enlarge the Applicant on bail. 7. Per contra, learned State Counsel has opposed the Bail Application contending that the Applicant has been assigned the role of abducting the victim, aged about 14 years at the relevant time, and thereafter selling her to co-accused Satbiri, who allegedly got the victim married to her slow-minded son. It is submitted that considering the specific role attributed to the Applicant and the gravity and seriousness of the offence, the Applicant does not deserve any indulgence. 8. After hearing learned counsel for the parties and upon perusal of the record, this Court finds that the first bail application was dismissed as withdrawn with liberty to file afresh and, therefore, the present second bail application is maintainable. This Court also takes note of the submission regarding delay in lodging the FIR and the contention that in the statements of the prosecutrix recorded under Sections 180 and 183 of B.N.S., 2023, no specific allegation of sexual assault has been levelled against the present Applicant. <i>Prima facie</i>, no recovery has been shown from the possession or at the instance of the Applicant and the medical evidence, as argued, does not appear to support the prosecution version at this stage. 9. This Court further finds that the Applicant is in custody since 12.12.2024, investigation stands completed, and no material has been brought on record to indicate that in case released on bail, the
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			Applicant would flee from justice or tamper with prosecution evidence. The Applicant is stated to have no criminal antecedents. Without expressing any opinion on the merits of the case, considering the nature of accusations, evidence collected so far, period of incarceration undergone and attending facts and circumstances of the case, this Court is of the view that the Applicant has made out a fit case for grant of bail. 10. Accordingly, the Second Bail Application is allowed. 11. Let the Applicant be released on bail upon executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the Court concerned. 12. All pending applications, if any, stand disposed of. (Ashish Naithani, J.) 23.04.2026 Shiksha
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