

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:3262
			<u>BA1 No. 238 of 2026</u> Abhishek Sharma Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Saurabh Kumar Pandey, learned counsel for the Applicant. 2. Mr. Chitrarth Kandpal, learned Brief Holder for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Abhishek Sharma, S/o Shri Sunil Sharma, R/o Rajendra Nagar, Haldwani, District Nainital. The Applicant is in judicial custody in connection with FIR No. 0115 of 2025, registered at Police Station Haldwani, District Nainital, for offences punishable under Sections 65(1), 137(2), 87, 351(2) of B.N.S. and under Section 3/4 of the Protection of Children from Sexual Offences Act. 4. Heard Mr. Saurabh Kumar Pandey, learned counsel for the Applicant and Mr. Chitrartha Kandpal, learned Brief Holder for the State. Perused the record. 5. As per the prosecution case, the complainant lodged the FIR alleging that the present Applicant had been harassing her 15-year-old daughter despite repeated warnings. It is alleged that the Applicant enticed the victim away from her home, kept her with him overnight and committed sexual assault upon her. 6. Learned counsel for the Applicant submits that the Applicant has been falsely implicated and has been made a scapegoat in the present matter. It is submitted that the prosecution story stands demolished in light of the cross-examination of the victim, which allegedly shows that her statement was made at the instance of her

		mother. It is further submitted that there existed prior enmity between the families, giving rise to false implication. Learned counsel for the Applicant has also emphasized that the medical evidence does not support the allegation of rape, inasmuch as no injuries were found on the victim, no signs of force or assault were detected, and the supplementary report revealed no live or dead spermatozoa. It is argued that even the medical opinion does not conclusively support the allegation of rape. It is further submitted that the charge-sheet has been filed without FSL report, the Applicant has no criminal antecedents and is in custody since 18.04.2025. 7. Per contra, learned State Counsel has vehemently opposed the bail application and submitted that the allegations concern sexual assault upon a minor girl aged 15 years and are grave in nature. It is submitted that the victim has supported the prosecution case during investigation and the material collected <i>prima facie</i> discloses commission of offences under the POCSO Act. 8. This Court has considered the rival submissions and perused the material available on record. 9. Having heard learned counsel for the parties and considering the material placed on record, this Court finds that the allegations against the Applicant are serious and relate to offences under the POCSO Act involving a minor victim. At this stage, the submissions relating to appreciation of medical evidence and alleged inconsistencies are matters to be tested during trial. <i>Prima facie</i>, this Court does not find sufficient ground to enlarge the Applicant on bail. 10. Considering the nature and gravity of accusations, the age of the victim, the seriousness of the offences alleged, and the overall facts and circumstances of the case, this Court is not inclined to
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		exercise discretion in favour of the Applicant. 11. Accordingly, the Bail Application is rejected. 12. 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. 13. All pending applications, if any, stand disposed of. (Ashish Naithani, J.) 29.04.2026 Shiksha
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