

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	 COURT'S OR JUDGES'S ORDERS 2026:UHC:2373
			<u>BA1 No. 269 of 2026</u> Neeraj Kumar Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Prem Prakash Bhatt, learned Legal Aid Counsel for the Applicant. 2. Mr. S.S. Chauhan, learned Deputy Advocate General assisted by Mr. Vikash Uniyal, learned Brief Holder for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Neeraj Kumar, aged about 25 years, S/o Late Shri Bandhu, R/o House No. 241, Shyam Park, Sahibabad, District Ghaziabad, U.P. The Applicant is in judicial custody in connection with F.I.R. No. 0563 of 2023 (Special Sessions Trial No. 15 of 2024), registered at Police Station Rishikesh, District Dehradun, for the offences punishable under Sections 363, 366A, 376(3) of the IPC and Section 5(1)/6 of the POCSO Act. 4. Heard Mr. Prem Prakash Bhatt, learned Legal Aid Counsel for the Applicant, and Mr. S.S. Chauhan, learned Deputy Advocate General assisted by Mr. Vikash Uniyal, learned Brief Holder for the State. Perused the record. 5. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the present case and has no criminal history. It is further submitted that the Applicant is in judicial custody since 11.12.2023. It is contended that there is delay in lodging the FIR and that the relationship between the Applicant and the victim developed out of love and affection. It is further argued that there are material contradictions in the statements of prosecution witnesses and that the physical relationship, if any, was consensual. It is also

submitted that the medical examination does not corroborate the allegation of forcible assault. Learned counsel further submits that out of seven witnesses, four have turned hostile.

6. Per contra, learned State Counsel has opposed the bail application and submits that the victim was a minor aged about fifteen years at the time of the incident. It is further submitted that CCTV footage shows the presence of the Applicant entering the hotel along with the victim and there is corroborative evidence in the form of guest register entries. It is also contended that the medical report supports the prosecution case. Considering the gravity of the offence and the involvement of the Applicant, it is argued that he is not entitled to bail.

7. After hearing learned counsel for the parties and perusing the record, this Court finds that the victim is a minor aged about fifteen years and the allegations against the Applicant are grave in nature, involving offences under the POCSO Act. The material available on record, including CCTV footage, guest register entries, and medical evidence, prima facie supports the prosecution case. At this stage, considering the seriousness of the allegations and the statutory protection afforded to minor victims, this Court is not inclined to grant bail to the Applicant.

8. Accordingly, the Bail Application is rejected.

9. However, it is clarified that the observations made herein are only for the purpose of deciding the present bail application and shall not affect the merits of the case during trial.

10. All pending applications, if any, stand disposed of.

(Ashish Naithani, J.)

02.04.2026

Shiksha