

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS  2026:UHC:3223
			BA 1st No.282 of 2026 "Mohit Vs. State of Uttarakhand" <u>Hon'ble Ashish Naithani, J.</u> Mr. Shashi Kant Shandilya, learned counsel for the Applicant. 2. Mr. Pradeep Lohani, learned AGA with Mr. Chitrarth Kandpal, learned Brief Holder, for the State of Uttarakhand. 3. In the High Court of Uttarakhand, the present case arises from Bail Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail for the Applicant – Mohit, who has been accused in FIR No.0358 of 2025, under Sections 78 (1), 137 (2), 64 (2) (m), 351 (3) of BNS, and under Sections 11 (iv)/12, 5 (L)/6 of the POCSO Act, at Police Station Gangnagar, Roorkee, District Haridwar. 4. As per the prosecution story, it is alleged that the informant who lived in a rented house at Roorkee, Haridwar with his family including the victim minor daughter, the Applicant used to call the victim and used to harass her and threatened her and he used to pressurize her to the extent that she would meet him out of fear. On the date of incident i.e. 13.08.2025 in the night hours at about 02:00 AM, Applicant – Mohit, visited the victim's house and enticed her and took her away on his motorcycle to "Shyamnagar Ambedkar Colony" in an abandoned Hostel, where under the threat on the bushes near to the Hostel, the Applicant forcefully raped her. After that the Applicant dropped the victim at her place and while returning he threatened her with dire consequences.

		5. The main grounds for consideration of the bail as advanced by the learned counsel for the Applicant is that the informant/mother of the victim does not support the prosecution case and further it is stated that in the present matter the Applicant has been falsely roped. Referring to the statement of the victim, whereby the Victim has stated that Applicant's father and her mother had tussle/arguments regarding the rent of the house, just one month prior to the incident, and it requested that the Applicant may be enlarged on bail. 6. Bail application has been opposed on behalf of the learned State Counsel. The opening arguments of the learned State Counsel is that referring to the contentions as advanced by the learned counsel for the Applicant that the Applicant had been falsely implicated in the present matter; it is categorically contended that it is not so. As per the records especially the statement of the victim she has categorically stated that firstly after having pressurized her, the Applicant took her from the legal custody of her parents and took her to remote place near abandoned hostel and near the bushes of the said hostel, he committed the offence of rape i.e. aggravative penetrative sexual assault on the victim forcefully and later after dropping her at residence, he threatened her with dire consequences. Had the conscious of the Applicant been clean and was he in case he was not involved in the present crime as alleged by the victim, he would not have refused for the sample of blood which was asked for regarding DNA sequencing to link him with the present crime, thus, it is requested that there are no sufficient grounds for bail and
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		prays that the bail application of the Applicant may be rejected. 7. After hearing the rival submissions of the learned counsel for the parties, this Court does not find grounds sufficient for enlarging the Applicant on bail in the present matter and considers the contention as advanced by the learned State Counsel that the accused/Applicant had refused to give his blood sample to ascertain the DNA sequencing, which may link him with the alleged crime. His refusal leaves an apprehension to the said crime. Secondly, the victim has categorically stated in her statement right from the beginning before the Police and before the Court and also during her medical examination that the Applicant forcefully under threat took her in the late hours of the night of the day of the incident to an abandon hostel and nearby some bushes, he raped her and committed aggravative penetrative sexual assault against an helpless minor girl child; and even after that while he left her at her residence after the said commission of the crime, the Applicant threatened her with dire consequences. 8. In this view of the matter, the bail application of the Applicant is hereby rejected. (Ashish Naithani, J.) 28.04.2026 Nitesh/
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