

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:2914
			<u>BA1 No. 330 of 2026</u> Rajeev Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. D.N. Sharma and Ms. Manju Bahuguna, learned Counsel for the Applicant. 2. Mr. Dinesh Chauhan, learned A.G.A. for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Rajeev, S/o Nand Lal Kushwaha, R/o Gunah Khamariya, Police Station Vanda, Tehsil Puwaya, District Shahjahanpur, Uttar Pradesh. The Applicant is in judicial custody in connection with FIR No. 0305 of 2025, registered at Police Station Transit Camp, District Udham Singh Nagar, for the offences punishable under Sections 137(2), 62, 65(2) of the Bharatiya Nyaya Sanhita, 2023 and under Section 5/6 read with Section 18 of the Protection of Children from Sexual Offences Act, 2012. 4. Heard Mr. D.N. Sharma, learned counsel for the Applicant, and Mr. Dinesh Chauhan, learned A.G.A. 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 is in judicial custody since 19.10.2025 and has already undergone a substantial period of incarceration. It is further submitted that the Applicant was not named in the FIR and the investigation has already been completed and charge-sheet has been filed. It is also contended that the FSL report is still pending and the rejection order passed by the learned Trial Court proceeds primarily on the gravity of the offence

		without adequately appreciating the evidentiary weaknesses and absence of scientific corroboration. It is further submitted that the entire prosecution case rests upon the statements of the complainant, the minor victim and an alleged eyewitness, all of whom are interested witnesses, and there is no independent public witness to corroborate the prosecution case. It is also submitted that the Applicant has no criminal history. 6. Per contra, learned A.G.A. for the State has opposed the Bail Application and submitted that the victim is a minor and the allegations pertain to serious offences affecting society at large. It is further submitted that the FSL report is still awaited and the material witnesses, including the victim, are yet to be examined before the learned Trial Court. It is argued that, at this stage, if the Applicant is released on bail, there is a likelihood of his absconding or influencing the witnesses, particularly the minor victim, and he may misuse the liberty of bail. Furthermore, the victim, in her statements recorded under Sections 180 and 183 of the B.N.S., 2023, has supported the case of the prosecution. 7. This Court has given thoughtful consideration to the rival submissions and perused the material available on record. The allegations against the Applicant pertain to offences under the Protection of Children from Sexual Offences Act, involving a minor victim, which are grave and serious in nature. At this stage, the FSL report is still awaited and the material witnesses, including the victim, are yet to be examined. The apprehension expressed by the prosecution regarding the possibility of the Applicant influencing the witnesses, particularly the minor victim, cannot be said to be unfounded. 8. Considering the nature and gravity of the accusations, the stage of trial, and the possibility of tampering with evidence or
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		influencing witnesses, this Court is not inclined to grant bail to the Applicant at this stage. 9. Accordingly, the Bail Application is rejected. 10. However, it is clarified that any observation made hereinabove is only for the purpose of deciding the present Bail Application and shall not be construed as an expression on the merits of the case during trial. 11. All pending applications, if any, stand disposed of. (Ashish Naithani, J.) 21.03.2026 Shiksha
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