



HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No.365 of 2026

12th May, 2026

Naeem

--Applicant

Versus

State Of Uttarakhand

--Respondent

Counsel Presence:

Mr. Mani Kumar, learned counsel for the Applicant.

Mr. Deepak Bisht learned D.A.G. for the State.

Ms. Reema Rana, learned counsel for the Complainant.

Hon'ble Ashish Naithani, J (Oral)

Present bail application has been moved by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking enlargement on bail in connection with Special Session Trial No. 634 of 2025, arising out of Case Crime No.331 of 2025, registered at Police Station Kunda, District Udham Singh Nagar, under Sections 137(2), 64(1), 143(1), 144, 238 and 61(2) of the Bharatiya Nyaya Sanhita, 2023, Section 3/4 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The facts, in brief, are that the FIR in the present matter came to be lodged on 29.09.2025 with allegations



regarding sexual exploitation and trafficking of the deceased victim. During investigation, the present applicant came to be implicated on the basis of alleged telephonic conversations and call detail records connecting him with co-accused Imran.

3. Heard learned counsel for the parties and perused the record.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and is innocent of the offences alleged against him. It is submitted that the applicant was not named in the FIR and his implication surfaced only during the course of investigation. It is further submitted that the entire State's case against the applicant is primarily founded upon CDR and alleged telephonic conversations between the applicant and co-accused Imran.

5. Learned counsel for the applicant further submits that the alleged telephonic conversations between the applicant and co-accused are capable of explanation inasmuch as the applicant and co-accused were known to each other owing to their work-related association in construction activities.

6. Learned counsel submits that no medical, forensic, DNA or scientific evidence has been brought on record



against the applicant. It is submitted that there is no independent witness who has specifically attributed any overt act to the applicant and the allegations against him are omnibus and general in nature.

7. Learned counsel for the applicant also submits that though the State has alleged commission of murder in the present matter, no specific allegation relating to the act of murder has been levelled against the present applicant in the charge-sheet and the applicant has been implicated merely on account of his alleged association with the principal accused persons.

8. It is also submitted that the applicant has remained in judicial custody since 27.11.2025, has no previous criminal antecedents and the investigation already stands completed.

9. Per contra, learned State counsel assisted by private counsel opposed the bail application and submitted that the allegations against the applicant are grave in nature involving offences under the POCSO Act and SC/ST Act. It is submitted that the call detail records and location details collected during investigation disclose the involvement of the applicant in the alleged offences.

10. Upon due consideration, this Court finds that the applicant was not named in the FIR and his implication



appears to have arisen subsequently during investigation primarily on the basis of call detail records, alleged telephonic conversations, disclosure statements of co-accused persons. At this stage, the State's case against the applicant appears substantially circumstantial in nature and the evidentiary value of such material shall be tested during trial.

11. This Court further finds that the explanation advanced on behalf of the applicant regarding the work-related association between the applicant and co-accused in construction activities cannot be outrightly discarded at this stage of consideration of bail.

12. This Court further finds that even according to the State's version, the specific attribution regarding commission of homicidal act is not distinctly assigned to the present applicant in the charge-sheet. The allegations against the applicant are general in nature and the exact degree of involvement, if any, can only be determined after appreciation of evidence during trial.

13. The implication of the applicant also appears substantially founded upon disclosure statements allegedly made by co-accused persons before the police, the



evidentiary value whereof shall be examined during trial in accordance with law.

14. The FIR in the present matter is also stated to have been lodged after considerable delay. Whether such delay has been satisfactorily explained or not is a matter requiring adjudication during trial and, at this stage, the same cannot be ignored while considering the prayer for bail.

15. The applicant has remained in judicial custody since 27.11.2025 and the investigation in the matter already stands completed. The charge-sheet has also been filed before the competent court and therefore no further custodial interrogation of the applicant appears necessary.

16. Though the allegations against the applicant are undoubtedly grave in nature involving offences under the POCSO Act and allegations relating to sexual exploitation of a minor victim, gravity alone cannot eclipse the settled principles governing grant of bail where the evidence against the applicant is primarily circumstantial in nature and investigation already stands completed.

17. Though the allegations against the applicant are undoubtedly grave in nature involving offences under the POCSO Act and allegations relating to sexual exploitation



of a minor victim, mere gravity of the offence cannot by itself be the sole ground to deny bail where the evidence against the applicant is primarily circumstantial in nature and the investigation already stands completed.

18. This Court is conscious of the statutory presumption under Section 29 of the POCSO Act. However, at the stage of consideration of bail, the material presently available against the applicant is required to be assessed only for the limited purpose of prima facie satisfaction without entering into a detailed appreciation of evidence.

19. Considering the facts and circumstances of the case, particularly that the applicant was not named in the FIR and his implication subsequently emerged during investigation mainly on the basis of CDRs, alleged telephonic conversations and disclosure statements of co-accused persons; that the prosecution case against the applicant is largely circumstantial in nature; that no specific overt act relating to the alleged homicidal incident has been distinctly attributed to him; and that no conclusive medical, forensic or scientific material directly connecting the applicant with the alleged sexual assault has been placed before this Court at this stage, especially when the dead body was recovered in a decomposed condition and the circumstances relating to the ante mortem occipital head



2026:UHC:3712

injury remain matters for trial, coupled with the fact that investigation stands completed, charge-sheet has already been filed, the applicant is in judicial custody since 27.11.2025 and has no criminal antecedents, this Court is of the considered opinion that the applicant has made out a fit case for grant of bail, without expressing any opinion on the merits of the case.

20. Accordingly, the bail application is allowed.

21. Let the applicant Naeem be released on bail on furnishing a personal bond and two reliable sureties each in the like amount to the satisfaction of the court concerned.

(Ashish Naithani, J.)
12.05.2026

Anand/



2026:UHC:3712