

SL. No	Date	Office Notes, reports, orders or proceedings or directions or Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:2873
			<u>BA1 No. 369 of 2026</u> Saddam Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Mohd. Safdar, 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—Saddam, S/o Habeeb, R/o Village Jaurasi Jabardastpur, P.S. Kotwali Roorkee, District Haridwar. The Applicant is in judicial custody in connection with Case Crime No. 33 of 2026, registered at Police Station Kotwali Roorkee, District Haridwar, for the offences punishable under Sections 70(1), 123 and 351(2) of the B.N.S., 2023. 4. Heard Mr. Mohd. Safdar, learned counsel for the Applicant, and Mr. Dinesh Chauhan, learned A.G.A. for the State. The record has been perused. 5. Learned counsel for the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. It is contended that the Applicant has been in judicial custody since 10.02.2026 and has no criminal antecedents. It is further submitted that the prosecution story appears unnatural and does not inspire confidence, inasmuch as the alleged incident is stated to have occurred in a residential house situated in a crowded locality, yet no hue and cry was raised and no independent witness has been cited. It is further submitted that although the complainant alleges that she was rendered semi-unconscious after consuming tea, no immediate medical evidence or material has been placed on record to

		substantiate such allegation of intoxication or administration of any substance. There is also an unexplained delay in lodging the FIR, as the alleged incident is stated to have occurred on 03.02.2026, whereas the FIR was lodged on 07.02.2026, such delay, without satisfactory explanation, creates serious doubt regarding the genuineness of the allegations. It is further contended that there is no specification of distinct roles attributed to the Applicant supported by credible evidence, thereby reflecting a false and motivated attempt to implicate him. The Applicant has been implicated merely on the ground that he is stated to be known to the co-accused, Meherbaan, which by itself cannot form the basis of criminal liability, particularly in the absence of any independent corroboration. It is also submitted that one of the co-accused has been granted interim protection by a Coordinate Bench and that the victim is a major. 6. Learned counsel further submits that the Applicant is a permanent resident of District Haridwar and there is no likelihood of his absconding or tampering with the prosecution evidence. 7. Per contra, learned State Counsel has opposed the bail application and submitted that the victim, in her statements recorded under Sections 180 and 183 of the B.N.S.S., has supported the prosecution case and specifically alleged that the present Applicant, along with the co-accused, committed rape upon her. 8. Having considered the submissions advanced by learned counsel for the parties and upon perusal of the material on record, this Court finds that, at this stage, the grounds urged on behalf of the Applicant for grant of bail appear to be well-founded. Without expressing any opinion on the merits of the case, and considering the totality of facts and circumstances, this Court is of the view that the Applicant has made out a case for grant of bail. Accordingly, the
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			Bail Application is allowed. 9. Let the Applicant—Saddam be released on bail upon executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the Court concerned. 10. All pending applications, if any, stand disposed of. (Ashish Naithani, J.) 20.04.2026 Shiksha
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