

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	UKHC010038472026  2026:UHC:5933 COURT'S OR JUDGE'S ORDERS
			<u>BA1/389/2026</u> X (minor) --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Yogesh Kumar and Mr. Nivesh Bahuguna, learned counsel for the applicant. 2. Mr. B.C. Joshi, learned AGA for the State. 3. The present applicant, who is in judicial custody since 21.12.2021 and was juvenile at the time of incident, is praying for bail in reference to First Information Report dated 21.12.2021 bearing FIR No.78 of 2021 wherein the present applicant alongwith one another co-accused were charge sheeted for the offences punishable under Section 302 read with Section 34 IPC, P.S. Bhowali, District Nainital. 4. It is argued by learned counsel for the applicant that the applicant is languishing in jail since 21.12.2021; at the time of incident he was minor and the trial is pending in the court of IIIrd F.T.C./A.D.J. Special Judge POCSO Court, Haldwani, District Nainital and he was being tried as a juvenile but after the assessment of his age now he is being tried by the trial court as an adult. He submits that the trial has not been concluded so far though it was commenced in the year 2022 and since the present applicant has already suffered prolonged incarceration, therefore, he be enlarged on bail.

		5. On the other side, learned AGA submits that the other co-accused, who were tried separately, by the trial court, as an adult, have already been convicted. He has also not disputed about the prolonged incarceration of the present applicant and also submits that there is no possibility that the trial against the applicant would be expedited soon. 6. After hearing the submission of learned counsel for the parties and taking into consideration that the present applicant is languishing in jail since 21.12.2021 and almost more than four years have been passed but the trial has yet not been concluded so far and as apprise to this Court that there is no possibility that trial would be expedited soon, this Court is of the view that applicant deserves for bail. 7. Accordingly, without expressing any opinion on the merit of the case, the bail application is allowed. 8. Let the present applicant, who is facing trial in S.S.T. No.71 of 2022 arising out of Case Crime No.78 of 2021 pending in the court of IIIrd F.T.C./A.D.J. Special Judge POCSO Court, Haldwani, District Nainital be released on bail on his executing a personal bond and furnishing two reliable sureties of the like amount to the satisfaction of the court concerned. 9. It is made clear that after being released on bail applicant shall join trial court proceeding on each and every date and will not make any attempt to give any threatening to the family members of the deceased. He shall also not leave the country
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			without leave of the court and shall surrender his passport within a week from the date of his release, if any. (Rakesh Thapliyal, J.) 16.07.2026 Arti
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