

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:2598
			<u>BA1 No. 391 of 2026</u> Om Bisht alias Ujjwal Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. C.K. Sharma and Mr. Nitin Tewari, learned counsel for the Applicant. 2. Mr. N.S. Kaniyal, learned A.G.A. for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant, namely Om Bisht alias Ujjwal, aged about 18 years, S/o Shri Rajendra Singh Bisht, R/o Subhash Nagar, Bindukhatta, P.S. Lalkuan, District Nainital. The Applicant is in judicial custody in connection with FIR/Case Crime No. 186 of 2025, registered at Police Station Pantnagar, District Udham Singh Nagar, for the offences punishable under Sections 75 and 109 of the B.N.S., 2023, Section 4/25 of the Arms Act, 1959, and Sections 7/8 of the POCSO Act, 2012. 4. Heard Mr. C.K. Sharma, learned counsel for the Applicant, and Mr. N.S. Kaniyal, learned A.G.A. for the State. The record has been perused. 5. The Applicant- Om Bisht alias Ujjwal, is stated to be 18 years of age. The primary ground urged for grant of bail is that he has been falsely implicated in the present case to give colour to the allegations and to involve him in serious offences so as to prevent him from being enlarged on bail. It is alleged that he has been charged under Sections 7/8 of the POCSO Act, which pertain to sexual assault and punishment thereof. 6. As per the FIR, it is alleged that the Applicant inflicted

			injuries upon the victim with a knife. However, this version is not corroborated by the medical report, which records only an “<i>abrasion</i>” as the injury. It is contended that had a knife been used, there would have been a lacerated or incised wound rather than an abrasion. It is further argued that the FIR appears to be ante-timed and ante-dated, and that the recovery memo contains reference to the FIR, which is procedurally improper if the FIR was lodged subsequently. 7. It is also submitted by learned counsel for the Applicant that the Applicant is suffering from a serious medical condition, namely Severe Aplastic Anemia (Bone Marrow Failure Syndrome), as evidenced by a medical report from AIIMS, Rishikesh (Paper No. 43). The said condition is life-threatening and requires regular blood transfusion and specialized medical care, which cannot be adequately provided in jail. It is thus urged that, on humanitarian grounds as well, the Applicant deserves to be enlarged on bail. 8. Per contra, learned State Counsel opposed the bail application, submitting that the offences alleged are of a serious nature. As per the FIR and the statement of the victim, who is a minor girl, the Applicant confronted her, making her feel vulnerable and fearful while she was returning from school. It is alleged that he assaulted her with a knife and threatened her life. It is further contended that the Applicant caught hold of her hand and intimidated her. Additionally, it is submitted that the victim, upon checking her phone, discovered a group allegedly formed by certain miscreants, wherein it was indicated that the present Applicant would carry out certain acts, failing which others would do so. This, according to the prosecution, demonstrates a continuing threat to the victim’s life and safety, and therefore, the Applicant should not be granted bail.
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