



2026:UHC:3360

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL**

First Bail Application No.398 of 2026

Vikas Verma

...Applicant

Vs.

State of Uttarakhand

...Respondents

Presence: Mr. Rajat Mittal, learned counsel for the Applicant.

Mr. J.P. Kandpal, learned Brief Holder for the State of Uttarakhand.

Hon'ble Ashish Naithani, J.

The present bail application is moved by the applicant, who is in judicial custody since 18.09.2025 in connection with Case Crime No. 0022 of 2025, under Section 65(1) of the Bharatiya Nyaya Sanhita, 2023 and Section 5(j)(ii) read with Section 6 of the Protection of Children from Sexual Offences Act, 2012, Police Station Kalsi, District Dehradun.

2. Learned counsel for the applicant submits that the statement of the victim cannot be relied upon, as there are major inconsistencies which suggest that the victim has either been tutored or is not speaking the truth. Furthermore, the applicant cannot be held guilty on the sole basis of her statement without any corroboration.

3. It is further submitted that the applicant has been falsely implicated in the present matter and cannot be linked to the alleged incident in any manner whatsoever.

4. The State's version, based on the FIR, alleges that the victim, a 12-year-old minor, has made allegations against the applicant, whom she claims to be a friend of her brother, for sexually exploiting her. It



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is alleged that the victim, along with her "village sister" (an acquaintance from her village), attended a marriage ceremony and stayed there overnight. While they were sleeping in a room with others, an assailant allegedly entered during the late-night hours. The victim claims that because the room was dark and there was no source of light, she could not recognize the individual who forced himself upon her. It is stated that the assailant disrobed and forcefully sexually assaulted her; when she attempted to shout, he covered her mouth to prevent her from doing so. Later, when the victim became pregnant, she reported the incident to her mother. In her statement to the Investigating Officer, she narrated that on 17.06.2025, she went to a place known as Saiya Chaani with her friends and the aforementioned girl from her village. She stated that during the *mehandi* ceremony, she and her companions slept in a room. Later that night, when the lights were switched off, someone entered the room, covered her mouth, and sexually exploited her. She further stated that since the lights were off, she could not recognize the intruder. She maintained that because she could not see the face of the perpetrator, she was unable to identify him, nor did she know his identity or where he had gone afterward. She further stated that she was terrified and, consequently, could not disclose the incident earlier.

5. According to the statement provided to the police, the incident took place in a room in the vicinity of the marriage venue, where the victim was sleeping with her friend and the girl from her village at a time when the electric lights were switched off.

6. Learned counsel for the applicant further submitted that, in her initial statement, the victim claimed the incident occurred in a room



near the marriage venue, where she was staying overnight with her "village sister" and friends. She stated that due to the lack of light, she could not identify the person involved. However, the statement of the victim's mother contradicts this, asserting that the victim identified the location of the incident as a *Chaani* (cowshed). Furthermore, the mother claims the applicant's name only surfaced later, based on information allegedly gathered by the victim

7. In her statement under Section 183 of the Bharatiya Nyaya Sanhita (BNS), she explicitly stated that she knew the applicant/accused by name and face, and that she recognized his voice. Learned counsel argued that if she had prior knowledge of the applicant, his residence, and his identity, and was familiar with his voice, there is a significant contradiction regarding her earlier statements where she maintained she could not identify the culprit who assaulted her. Consequently, the defense questions how the applicant's name surfaced so suddenly, leading to the present charges against the applicant in relation to the alleged crime against the 12-year-old minor.

8. This Court has heard learned counsel for the parties and perused the material brought on record.

9. The case of the State hinges primarily on the statement of the victim. It is well settled that the testimony of a prosecutrix, particularly a minor, is entitled to due weight and can form the basis of conviction. However, at the stage of consideration of bail, the Court is required to examine whether such statement is consistent, credible on its face, and inspires prima facie confidence.



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10. Upon a careful examination of the record, this Court finds that there are material inconsistencies with regard to the place of occurrence. In the First Information Report, the incident is stated to have taken place in a “**Channi**” (cowshed). However, in the subsequent statements recorded under Section 181 of the Bharatiya Nagarik Suraksha Sanhita and thereafter under Section 183 BNSS, the place of occurrence is described as the marriage house where the victim was allegedly sleeping with her companions. The statements of the parents also do not present a uniform version, inasmuch as the mother supports the version of the marriage house, whereas the father reiterates that the occurrence took place in the “**Channi**”.

11. The aforesaid divergence with regard to the situs of the incident is not a trivial discrepancy but assumes significance at this stage, as it goes to the root of the case of the State and creates uncertainty regarding the actual circumstances in which the alleged occurrence took place.

12. Further, this Court finds a material contradiction in the statements of the victim with regard to the identification of the assailant. In her initial version, the victim has categorically stated that due to darkness, she was unable to see or identify the person who allegedly committed the offence. She has also stated that she did not know the identity of the said person. However, in her subsequent statement recorded under Section 183 BNSS, she has stated that she knew the Applicant by name and face and even claimed to have recognized his voice.

13. The transition from complete inability to identify the assailant to a categorical assertion of recognition of the Applicant remains



unexplained at this stage. The manner in which the name of the Applicant has surfaced subsequently, without any foundational clarity in the earlier statements, raises a prima facie doubt regarding the attribution of the role to the Applicant.

14. It is also noteworthy that the alleged incident is stated to have occurred in a room where multiple persons were sleeping and where the doors were not locked. At this stage, there is no independent material placed on record which prima facie establishes the presence of the Applicant at the place of occurrence at the relevant time.

15. While the allegations are grave and relate to a minor victim, this Court cannot overlook the material inconsistencies and contradictions which are apparent on the face of the record. The law requires that deprivation of personal liberty must be justified on the basis of a credible and consistent prima facie case.

16. Without expressing any opinion on the merits of the case, and considering the totality of the circumstances, this Court is of the considered view that the Applicant has been able to make out a case for grant of bail at this stage.

17. Accordingly, bail is **granted**.

(Ashish Naithani J.)
24.04.2026

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