

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:3117
			<u>BA1 No. 406 of 2026</u> Azad Miya Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Azmeen, learned counsel for the Applicant. 2. Mr. J.P. Kandpal, learned A.G.A. for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Azad Miya, S/o Sh. Nasir Miya, R/o Rajeev Nagar, Boring Patti, Bindukhatta, Lalkuan, District Nainital. The Applicant is in judicial custody in connection with FIR No. 191 of 2025, registered at Police Station Lalkuan, District Nainital, for offences punishable under Sections 64, 137(1)(b), 137(2) of B.N.S., 2023 and under Section 3/4 of the POCSO Act, 2012. 4. Heard Mr. Azmeen, learned counsel for the Applicant and Mr. J.P. Kandpal, learned A.G.A. for the State. Perused the record. 5. The FIR, in nutshell, is that on 18.09.2025, the informant lodged the present FIR alleging that in the night of 16.09.2025, the present Applicant had taken away the minor daughter of the complainant, aged about 13 years. It is further alleged that the victim returned home on the next day and thereafter, on 18.09.2025, consumed some poisonous substance allegedly given to her by the present Applicant, due to which she was admitted to the hospital, though she is now stated to be out of danger. 6. Learned counsel for the Applicant submits that the alleged place of occurrence, i.e. the railway track, is situated merely 30 to 30 steps away from the house of the victim in a residential area and it is highly improbable that such incident could have taken place

		there without attracting attention of nearby residents, thereby casting serious doubt on the prosecution version. It is further submitted that the Applicant has been falsely and maliciously implicated without any credible and cogent evidence and the allegations levelled against him are baseless and concocted. It is also submitted that there are contradictory versions regarding the alleged incident, which creates serious doubt about the veracity and reliability of the prosecution story. Learned counsel further submits that the Applicant is a young boy aged about 22 years, is languishing in jail since 28.09.2025 and has no previous criminal history and, therefore, deserves to be enlarged on bail. 7. Per contra, learned A.G.A. opposed the bail application and submitted that according to the school record, the date of birth of the victim is 17.10.2012 and she is thus a minor. In support thereof, the statement of the Principal recorded under Section 180 of B.N.S.S., 2023 has been filed as Annexure No. CA-7 to the affidavit. It is further submitted that on the basis of credible material, the Applicant has been charge-sheeted and the trial is in progress. It is also contended that if the Applicant is enlarged on bail, there is every likelihood that he may influence the prosecution witnesses and, therefore, he is not entitled to be granted bail. 8. Having heard rival submissions and upon perusal of the record, this Court finds that the allegations against the Applicant are grave in nature. The victim is stated to be a minor as per school record and <i>prima facie</i> material has been placed by the prosecution in support thereof. The allegations involve not only sexual assault upon a minor but also administration of poisonous substance to the victim, which enhances the seriousness of the accusation. At this stage, this Court is not persuaded to accept the submissions raised on behalf of the Applicant regarding improbability of occurrence or
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			contradictions in the prosecution case, as such issues pertain to appreciation of evidence, which is a matter for trial. Further, the investigation has culminated in submission of charge-sheet and the trial is in progress. Considering the nature and gravity of accusations, severity of punishment, and the possibility of influencing prosecution witnesses, this Court is not inclined to exercise discretion in favour of the Applicant.
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9. Accordingly, the Bail Application is rejected.

10. However, it is clarified that any observations made herein are only for the purpose of adjudication of the present bail application and shall not influence the trial on merits.

11. All pending applications, if any, stand disposed of.

(Ashish Naithani, J.)

24.04.2026

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