

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	UKHC010042162026  2026:UHC:6180 COURT'S OR JUDGE'S ORDERS
			<u>BA1/422/2026</u> Mohit Das Alias Rohit --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Harsh Rautela, learned counsel for the applicant. 3. Mr. Tumul Nainwal, learned AGA for the State. 4. Present applicant-Mohit Das alias Rohit Das is praying for bail in reference to First Information Report dated 17.12.2025 bearing FIR No.0411 of 2025, P.S. Haldwani, District Nainital lodged by the brother of the victim implicating the applicant for the offences punishable under Section 64 of BNS, 2023 read with Section 5/6 of POCSO Act. 5. The charge sheet has been filed and now the applicant has been summoned to face the trial for the offences punishable under Section 64 of BNS, 2023 read with Section 5/6 of POCSO Act. 6. It is submitted by learned counsel for the applicant that applicant is innocent and has been falsely implicated, which is evident from the fact that the victim herself refuse to give consent for the internal medical examination, therefore, there is no medical evidence for constituting the offence. The medical report is also on

			record from which it reveals that the victim herself refuse to go for the internal medical examination, therefore, there is no opinion with regard to the sexual assault. He further submits that applicant is languishing in jail since 10.01.2026 and have no criminal antecedent and since the charge sheet has been filed therefore there is no need for further custodial interrogation, therefore, the applicant be released on bail. 7. On the other side, Mr. Tumul Nainwal, learned AGA has not disputed that the charge sheet has already been filed and also submits that victim herself refuse to go for medical examination and the applicant has no criminal antecedent. 8. After hearing the submission of learned counsel for the parties and taking into consideration that the charge sheet has already been filed and applicant has no criminal antecedent and the victim herself refuse to go for the medical examination though it is the subject matter of the trial, therefore, this Court is of the view that applicant deserves for bail. 9. Accordingly, without expressing any opinion on the merit of the case, the bail application is allowed. 10. Let the present applicant- "Mohit Das alias Rohit Das" 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 with the following conditions: "i. After being released on bail he shall cooperate with the ongoing trial
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			on each and every date without seeking any adjournment. ii. He will not make any attempt to give any threatening to the victim and her family members and will not influence the witnesses and to temper the evidence. iii. The applicant shall surrender his passport if any after being released on bail within three days before the trial court.” (Rakesh Thapliyal, J.) 22.07.2026 Arti
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