

SL. No	Date	Office Notes, reports, orders or proceedings or directions or orders with Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:3992
			<u>BA1 No. 491 of 2026</u> Gulshan Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Saurabh Kumar Pandey, learned counsel for the Applicant. 2. Mr. Pradeep Lohani, learned A.G.A. for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Gulshan, S/o Late Lutzvan, R/o Village Basantpur, P.S. Tikaitnagar, District Barabanki, Uttar Pradesh. The Applicant is in judicial custody in connection with FIR No. 0174 of 2025, registered at Police Station Nehru Colony, Dehradun, District Dehradun, for offences punishable under Sections 137(2) and 65(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 5(L) and 5(M) read with Section 6 of the POCSO Act. 4. Heard learned counsel for the parties and perused the record. 5. Learned counsel for the Applicant submitted, for consideration of bail, that the victim is not a minor and that, as per the statements and records available on record, it is evident that the date of birth of the victim has been manipulated and reduced in order to facilitate her admission in school. It is further contended that the father and mother of the victim have not supported the prosecution case and both have turned hostile. In their testimonies, they have clearly stated that the age of the victim was reduced only for the purpose of securing admission in the school and they have denied the prosecution story. Moreover, as per the medical evidence, there is no indication of sexual assault and, therefore, the

		offence alleged against the Applicant is not made out. On these grounds, learned counsel prayed that the Applicant be enlarged on bail. 6. Per contra, learned State Counsel vehemently opposed the bail application and refuted the submissions advanced on behalf of the Applicant. It is submitted that, as per the educational records, the date of birth of the victim is 01.03.2014 and the incident is alleged to have occurred prior to 02.05.2026, thereby making the victim an eleven-year-old minor girl child at the time of the incident. It is further submitted that although the mother and father of the victim have not supported the prosecution case, the victim herself has categorically supported the prosecution story and specifically alleged sexual assault against the Applicant. 7. Having heard rival submissions and upon perusal of the material available on record, this Court finds that the allegations against the Applicant are grave and serious in nature, particularly considering the age of the victim. The prosecution case <i>prima facie</i> discloses the involvement of the Applicant in the alleged offence and the material collected during investigation supports the prosecution version. 8. At this stage, this Court does not find any mitigating circumstance warranting exercise of discretion in favour of the Applicant. Considering the nature and gravity of the offence, the severity of punishment prescribed, and the overall facts and circumstances of the case, this Court is not inclined to enlarge the Applicant on bail at this stage. Furthermore, the possibility of the Applicant influencing witnesses or absconding cannot be ruled out. 9. Accordingly, no case for grant of bail is made out and the Bail Application is rejected. 10. However, it is clarified that any observations made herein are
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			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, shall stand disposed of. (Ashish Naithani, J.) 21.05.2026 Shiksha
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