

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>UKHC010050912026</u> <u>BA1/504/2026</u> Mohd Arish --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Jai Krishna Pandey, learned counsel for the applicant. 2. Mr. Himanshu Sain, learned A.G.A. for the State. 3. The present applicant 'Mohd. Arish' S/o Mohd. Yunus is praying for bail in reference to Session Trial No. 71 of 2025 'State vs. Mohd. Arish and Another' pending in the court of learned Special Judge (POCSO)/Additional District Judge/FTC, Haldwani, District Nainital arising out of First Information Report dated 08.07.2025 bearing FIR No. 0175 of 2025, wherein, the present applicant and another co-accused Mohd. Masool are facing the trial for the offences punishable under sections 115(2), 123, 70(2) of BNS, 2023 r/w section 5(g)/6 of POCSO Act. 4. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated, which is evident from the fact that the applicant is not named in the FIR. He further submits that within two days of the alleged incident the victim was medically examined by the Doctor but there is no sign of any sexual assault and every column in clause 15-F is shown to be as don't know (DNK) though the medical report also reveals that the victim has not changed 'jumphy' and was not wearing undergarments and the hymen is not intact. He submits that there is medico legal report of the victim and as per the final opinion of the Doctor no spermatozoa 'neither dead nor live' seen though till medical examination the victim has not taken bath

			and, as such, the story as cooked up with regard to the sexual assault is not corroborated with the medico legal report including the supplementary medico legal report. 5. He submits that though the charge-sheet has been filed in a very mechanical manner but the fact remains though the trial has been commenced but has not been concluded so far since there are in total eight prosecution witnesses and uptill date only five prosecution witnesses has been examined. He further submits that the present applicant is languishing in jail since 12.07.2025 and he has no criminal history and almost he is in a judicial custody since last more than one year and is a young person of 21 years and the victim at the time of incident was 16 years old and in her cross-examination she submits that if the applicant married with her then she would not have registered the FIR. 6. On the other side, learned A.G.A. submits that all the submissions as advanced particularly with regard to the cross-examination of the victim are the subject matter of the trial, though there is no definite opinion with regard to the sexual assault as it appears from the medico legal report and the supplementary medico legal report but the same is under the scrutiny and the subject matter of the trial however he has not disputed that the present applicant is languishing in jail since 12.07.2025. He has also not disputed that the present applicant has no criminal antecedents and the charge-sheet has already been filed and there is no possibility that the trial would be expedited soon. 7. In view of the submission advanced by the learned counsel for the parties and taking into consideration that the present applicant is languishing in jail since 12.07.2025 and has no criminal antecedents and the trial has already been commenced, therefore, without expressing any opinion on the merit of the case, the bail application is allowed. 8. Let the applicant 'Mohd. Arish' be released on bail on furnishing his personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to the following conditions: It is made clear that after being released on bail the applicant shall join the trial court proceeding on each and every date without seeking any unnecessary adjournment.
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			ii. The applicant will not make any attempt and give any threatening to the victim and her family members. iii. The applicant after being released shall surrender his passport within three days and will not leave the country without leave of the court. (Rakesh Thapliyal, J.) 17.07.2026 PR
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