

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>UKHC010051052025</u> <u>BA1/647/2025</u> Akram --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Mohd. Safdar, learned counsel for the applicant. 2. Mr. Tumul Nainwal, learned AGA for the State. 3. The instant bail application has been moved by the applicant "Akram, son of Irshad" for seeking regular bail in reference to FIR dated 17.12.2023 bearing FIR No. 479 of 2023 registered at Police Station - Vikas Nagar, District - Dehradun wherein the present applicant has been implicated for the offences punishable under Section 376 (AB), 506 IPC and under Section 5 (m) / 6 of the POCSO Act. 4. Brief facts of the case are that the instant FIR has been lodged with the allegation that present applicant used his finger on the private part of the victim, who is minor, aged about 10 years and on completion of the investigation, charge sheet was filed on 03.02.2024. 5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated, which is evident from the fact that medical report explicitly pointed out that there is no sign of injury, tenderness or redness on the body of the victim. He further submits that victim's statement reveals that applicant only touched supra pubic region of the victim with his finger. He further submits that applicant is languishing in jail since 17.12.2023 and has already suffered long pre-trial incarceration and has no criminal antecedent and as investigation is complete and charge sheet has been filed and trial has been commenced, therefore, taking into consideration that applicant suffered long incarceration, he be released on

			bail. He further submits that since the trial has already been commenced, therefore, there is no possibility that he will make any attempt to temper with the key evidence. 6. On the other side, learned State Counsel have vehemently opposed the bail by submitting that offence is grave in nature, particularly, offence under Section 376 (AB) IPC and in view of the statutory presumption, as enshrined under Section 29 of the POCSO Act, the applicant does not deserve for bail. 7. After hearing the rival submissions, as advanced by the learned counsel for the parties and perusing the entire record, including medical report, it is undisputed fact that medical examination lacks corroboration with serious allegation of physical injury and applicant suffered long pre-trial incarceration of 2 ½ years, since December, 2023, he is languishing in jail and now, the trial has already been commenced and star witnesses have been examined, this Court is of the view that the applicant has made out a case for his enlargement on bail, as no useful purpose will be served by keeping the applicant detained indefinitely. Accordingly, without expressing any opinion on the merit of the case the bail application is allowed. 8. Let the applicant "Akram, son of Irshad" be released on bail on furnishing his personal bond and two sureties, each of the like amount to the satisfaction of the court concerned subject to the following condition: i. After being released on bail, applicant will not make any attempt to temper with the evidence and applicant shall not induce or threat any witness or victim or her family, directly or indirectly. iii. Applicant shall remain present on each and every date fixed before the trial court and he shall not seek any unnecessary adjournment. (Rakesh Thapliyal, J.) 02.07.2026 SKS
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