

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:3824
			<u>BA1 No. 525 of 2026</u> Mohd. Rizwan Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Parikshit Saini, learned counsel holding brief of Mr. Mohd. Safdar, learned counsel for the Applicant. 2. Mr. N.S. Kaniyal, learned A.G.A. for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Mohd. Rizwan, S/o Jabir, R/o Village Makhiyali Khurd, P.S. Kotwali Laksar, District Haridwar. The Applicant is in judicial custody in connection with Case Crime No. 73 of 2026, registered at Police Station Manglaur, District Haridwar, for offences punishable under Section 64(2)(e) of the B.N.S., 2023. 4. Heard learned counsel for the parties and perused the record. 5. Learned counsel for the Applicant submitted that the Applicant has been falsely implicated in the present case and has not committed any offence. It is also submitted that there is delay in lodging the FIR and no plausible explanation has been furnished by the complainant for such delay. It is further submitted that on the alleged date and time of the incident, the Applicant was not present at the said hospital and was, in fact, present at his residence, which fact can allegedly be verified from the CCTV footage installed at his house. 6. It is further submitted that the FIR was initially registered under Section 75 of the B.N.S., whereas remand has subsequently been sought under Section 64(2)(e) of the B.N.S., 2023. Learned counsel submits that there are no allegations of sexual assault and

			that the only allegation against the Applicant pertains to commission of an obscene act. It is also submitted that the alleged place of occurrence is a hospital, which remains heavily crowded, and therefore, the incident as alleged by the prosecution is highly improbable. It is lastly submitted that the Applicant is not a medical practitioner and merely owns the premises in question. 7. Per contra, learned State Counsel vehemently opposed the bail application and submitted that the Applicant is specifically named in the FIR and that the complainant/victim, both in the FIR and in her statements recorded during investigation, has clearly stated the involvement of the present Applicant in the alleged incident and specifically alleged that during treatment, the Applicant committed the criminal act upon her. 8. 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. The prosecution case prima facie discloses the involvement of the Applicant in the alleged offence and the statements of the victim support the prosecution version. 9. 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. 10. Accordingly, no case for grant of bail is made out and the Bail Application is rejected. 11. However, it is clarified that any observations made herein are only for the purpose of adjudication of the present bail application
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			and shall not influence the trial on merits. 12. All pending applications, if any, shall stand disposed of. (Ashish Naithani, J.) 18.05.2026 Shiksha
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