

| SL. No | Date | Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures | <div style="text-align: right;">COURT'S OR JUDGES'S</div>  <div style="text-align: right;">2026:UHC:3218</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|        |      |                                                                                                  | <p><b><u>BA1 No. 561 of 2026</u></b></p> <p>Rajeev .....Applicant</p> <p style="text-align: center;">Vs.</p> <p>State of Uttarakhand .....Respondent</p> <p><b><u>Hon'ble Ashish Naithani, J.</u></b></p> <p>Mr. Neeraj Garg, learned counsel for the Applicant.</p> <p>2. Mr. Chitrarth Kandpal, learned Brief Holder for the State of Uttarakhand.</p> <p>3. The present Bail Application has been moved by the Applicant—Rajeev S/o Shri Ramautar, R/o Salempur, Bijnor, Chandpur, Uttar Pradesh. The Applicant is in judicial custody in connection with Case Crime No. 117 of 2025, registered at Police Station Shyampur, District Haridwar, culminated into Special Sessions Trial No. 04 of 2026, for the offences punishable under Section 65(1) of B.N.S., 2023 and under Sections 3(A)/4(2) of the POCSO Act, 2012.</p> <p>4. Heard Mr. Neeraj Garg, learned counsel for the Applicant, and Mr. Chitrarth Kandpal, learned Brief Holder for the State. Perused the record.</p> <p>5. Brief facts of the case are that an FIR was lodged on 10.11.2025 by the informant alleging that when the victim, aged about 14 years, was returning from Lahadpur Nadi between 4:30 to 5:00 p.m., the present Applicant, who runs a medical shop on the said route, committed sexual assault upon her. On the basis of said allegations, the present case came to be registered against the Applicant.</p> <p>6. Learned counsel for the Applicant submits, as a primary ground for consideration of bail, that the Applicant has been falsely implicated and has not committed any offence as alleged. It is</p> |

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|  |  | <p>submitted that the prosecution story suffers from material inconsistencies. Learned counsel further submits that in the medical examination of the victim, no external or internal injury, no bleeding and no swelling were found and no definite opinion regarding sexual assault was rendered. It is further argued that in her statement recorded before the learned Magistrate under Section 183 B.N.S.S., the victim has not fully supported the prosecution version and material contradictions emerge when her statements are read conjointly. It is also submitted that the Applicant has no criminal antecedents and is in judicial custody since 11.11.2025.</p> <p>7. Per contra, learned State Counsel has opposed the Bail Application contending that the victim is a minor and in her statements recorded during investigation she has made specific allegations against the Applicant. It is argued that on the basis of statements recorded under Sections 180 and 183 B.N.S.S., involvement of the Applicant stands disclosed and the charge-sheet has accordingly been submitted.</p> <p>8. This Court has considered the rival submissions and perused the material available on record. At this stage, without entering into the merits of the matter, certain aspects weigh with this Court for the purpose of bail. Firstly, there appear to be inconsistencies in the versions attributed to the prosecutrix, which shall of course be a matter for appreciation during trial. Secondly, the medical report, <i>prima facie</i>, does not reveal injuries or contemporaneous signs lending immediate corroboration in the manner urged by the prosecution. Thirdly, the Applicant is stated to have no criminal history and has remained incarcerated since 11.11.2025.</p> <p>9. This Court is conscious of the gravity of allegations under the POCSO Act; however, while adjudicating a prayer for bail, a tentative assessment alone is required. Considering the</p> |
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|  |  | <p>inconsistencies pointed out, the medical material on record, the period of incarceration and other attending facts and circumstances, this Court finds sufficient grounds to enlarge the Applicant on bail, without expressing any opinion on the merits of the case.</p> <p>10. Accordingly, the Bail Application is allowed.</p> <p>11. Let the Applicant be released on bail, upon executing a personal bond and furnishing two reliable sureties in the like amount, to the satisfaction of the Court concerned.</p> <p>12. All pending applications, if any, shall stand disposed of.</p> <p>13. It is made clear that observations made herein are only for the purpose of adjudication of the present bail application and shall not be construed as an expression on the merits of the case during trial.</p> <p style="text-align: right;"><b>(Ashish Naithani, J.)</b><br/>28.04.2026</p> <p>Shiksha</p> |
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