

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS  2026:UHC:4615
			BA 2nd No.50 of 2026 <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Gaurav Singh, learned counsel for the applicant. 2. Mr. Pradeep Lohani, learned AGA for the State of Uttarakhand. 3. This is the second bail application of the applicant and the first bail application was withdrawn on 27.02.2026. 4. The instant second bail application has been moved by the applicant - Mohammad Ahmad @ Judli, who is languishing in jail in relation to Case Crime No.151 of 2025, dated 05.05.2025, wherein, he has been implicated for the offences punishable under Sections 115, 352, 3(5), 351 (2) and 70 (1) of the BNS, 2023, and Sections 3 (a)/4, 5(g), (u)/6, 13/14 of the Protection of Children from Sexual Offences Act, 2012 as well as under Section 67B of the Information Technology Act, P.S. Bhagwanpur, District Haridwar. 5. Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated and he was not present at the time of incident at the spot nor he make any obscene video and furthermore he is not named in the FIR and during the investigation, the statement of the prosecutrix was also recorded under Section 183 of BNSS, 2023, wherein, she does not disclose

the name of the applicant.

6. He further submits that there is no test identification parade, and no obscene video was recovered from the possession of the present applicant and the victim deposed before the Trial Court as PW 1 that she did not know the present applicant and also could not identify him. He also submits that there is no allegation of committing rape and the applicant is languishing in jail since 07.05.2025 and has no criminal antecedents.

7. A detail counter affidavit has been filed by the concerned Investigating Officer. In paragraph 6 of the counter affidavit, it is stated that during investigation the statement of the victim was recorded under Section 180 of BNSS, 2023 and she fully supports the case of the prosecution as she is known to the co-accused – Azam and they used to talk on the phone, who had her photos and recordings of their conversations and she requested that those photos be deleted, but she was pressurized by Azam and called her in a rental room on 03.05.2025, and then make physical relation with her, but suddenly 4-5 boys came in the room and one person was named as Alam and another person introduced himself as a landlord and third one was the landlord's nephew, namely, Moin and the another one was the present applicant Judli, and then she was beaten, and they take off her clothes and made video.

8. A further reference has been made that the statement of the victim was also recorded under Section

		183 of BNSS, 2023, wherein, she fully support her earlier version recorded under Section 180 of BNSS, 2023. A further reference has been made that the victim was also medically examined and the statement of the Doctor was also recorded and as per medical report the hymen was found to be torn. A further reference has been made that the video was taken into pen drive and the mobile phone were also taken into custody, which was sent for the FSL examination. 9. A further reference has been made that after collecting all the material evidence the charge-sheet was filed on 01.07.2025 under Sections 115, 352, 3(5), 351 (2) and 70 (1) of the BNS, 2023, and under Sections 3 (a)/4, 5(g)/6, 5 (u)/6 and 13/14 of the Protection of Children from Sexual Offences Act, 2012 and under Section 67B of the Information Technology Act. 10. Learned State Counsel has also apprised to this Court that the Trial has already been commenced and up till date four prosecution witnesses has been examined, and the victim identified the present applicant in the Trial Court and she also stated in her statement that the present applicant was the person who made obscene video. 11. In addition to this, Mr. Pratiroop Pandey, learned AGA, submits that the present applicant is a habitual offender have criminal antecedents of four cases, including the present one in different Police Station of District Haridwar. The reference of criminal antecedents are as follows:-
--	--	---

			“A. FIR No.1096 of 2022 under Section 8/21 of the NDPS Act, P.S. Bhagwanpur, District Haridwar. B. FIR No.165 of 2024 under Section 8/21 of the NDPS Act, P.S. Bhagwanpur, District Haridwar. C. FIR No.711 of 2024, under Section 8/21 of the NDPS Act, P.S. Gangnagar, District Haridwar.” 12. Learned State Counsel further submits that the offences as alleged are serious in nature and after collecting all credible evidence, the chargesheet was filed, and in paragraph 16 of the bail application, a false statement has been given that the applicant has no criminal antecedent, whereas the applicant have criminal antecedents of three cases, that too relates to NDPS Act. 13. After hearing the learned counsel for the parties, and after gone through with the FIR and the other materials placed on record as well as about the criminal antecedents and the statement of the Doctor, I do not find any good ground to enlarge the applicant on bail. Accordingly, the instant second bail application is rejected. (Rakesh Thapliyal, J.) 09.06.2026 Nitesh/
--	--	--	---

--	--	--	--