



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>BA1/749/2026</u> Kurban --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Parikshit Saini, learned counsel for the applicant. 2. Mrs. Rangoli Purohit, learned AGA for the State. 3. Present applicant-Kurban, S/o Shri Galib is praying for bail in reference to Case Crime No.839 of 2025 wherein the applicant has been charge sheeted for the offences punishable under Section 70(2), 87, 127(2), 137(2), 333, 351(2) and 352 of the BNS, 2023 read with Section 5(g)/6 of the POCSO Act, P.S. Laksar, District Haridwar and is now facing trial in Special Sessions Trial No.212 of 2025. 4. It is argued by learned counsel for the applicant that applicant is innocent and has been falsely implicated and infact he was in love with the victim since from 20.04.2025 to 18.08.2025 at about 742 times both of them were in telephonic conversation. He submits that in order to make out the case under the POCSO Act, the two documents were forged; one is the certificate of the <i>Daru Ulum</i> about the date of birth of the victim, according to which the date of birth is shown as 04.02.2008 thereafter after the incident another birth certificate was



		procured on 09.09.2025, which is annexed as Annexure 8, issued from the Registrar Birth and Death wherein the same date of birth is shown i.e. 04.02.2008. He submits that there is consisting contradictions on the statement of the victim since during investigation she stated that she never went to any institution but subsequent thereto she changed her statement and stated that she studied in “Naushad Madarsa” where she studied up to 7th standard and the brother of the victim in his statement under Section 180 of BNSS, during investigation, stated that the victim studied in “Madarsa.” 5. It is argued by learned counsel for the applicant that the Madarsa from where the certificate was obtained was established in 12.12.2019 and recognition was given on 06.05.2020, thus, at no point of time, victim can be said to be the student of Madarsa from where the certificate was obtained. He submits that during investigation these two certificates were procured in forged manner, in order to make out a case under the POCSO Act. 6. On the other hand, learned AGA vehemently opposed the bail application by submitting that all these aspects with regard to the age of the victim are subject matter of trial. So far as the offence, as alleged, is concerned, the uncle of the applicant, admits that on the date of incident, the applicant was with the victim in his house. She further submits that even the medical report also supports the case of
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		the prosecution; since as per the medical report hymen found to be torn, which is old one and since the applicant himself admits that he was in love with the victim and for the period commencing from 20.04.2025 to 18.08.2025, 742 times they telephonically were in talking terms, which itself shows that hymen was torn only because of the present applicant. 7. In this case, in total, five persons have been implicated, however, only two persons, namely, the present applicant and the other one "Naushad" have been charge sheeted. In reference to this Mrs. Rangoli Purohit, learned AGA submits that as per the statement of the victim and other witnesses, the main person is the applicant, who committed this crime, which he himself admits that he was in love with the victim. Finally, she concludes her argument by submitting that admittedly, as per the record as collected during investigation, the victim was minor and whether she is minor or major that is completely the subject matter of trial and that cannot be looked into while considering the bail. She further submits that since the offence is serious in nature that too with regard to the sexual assault with the minor, therefore, the applicant does not deserve for bail. 8. After hearing the rival submission of learned counsel for the parties and after perusing the material collected during investigation including the medical report and the statement of the victim and the
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			brother of the victim as well as applicant, I do not find any good ground to enlarge the applicant on bail. Hence, the bail application is dismissed. (Rakesh Thapliyal, J.) 07.07.2026 Arti
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