



| SL. No. | Date | Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures | COURT'S OR JUDGE'S ORDERS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|         |      |                                                                                                  | <p><b><u>BA1/753/2026</u></b></p> <p>Vishal Koushal Alias Sahil --Applicant<br/> <b>Versus</b><br/> State Of Uttarakhand --Respondent</p> <p><b><u>Hon'ble Rakesh Thapliyal, J.</u></b></p> <ol style="list-style-type: none"> <li>1. Mr. Pradeep Sharma, learned counsel with Mr. Avidit Noliyal and Mr. Deepak Sharma, learned counsel for the applicant.</li> <li>2. Mr. Pratiroop Pandey, learned A.G.A. for the State.</li> <li>3. Present applicant Vishal Koushal @ Sahil S/o Anil Kumar is praying for bail in reference to FIR dated 04.06.2025, bearing FIR No. 157 of 2025, P.S. Sitarganj, District U.S. Nagar lodged by one Bijli Sah, father of the victim, implicated the present applicant and charge sheeted for the offences punishable under Sections 64(1), 351(3), 70(2) of BNS 2023 read with Section 3/4 of the POCSO Act.</li> <li>4. It is argued by the learned counsel for the applicant that the present case is absolutely a false case which is evident from the statement of the victim recorded under Section 180/183 of BNSS 2023 wherein she cooked up a new story which is highly unbelievable as she alleges that the present applicant sexually assault her with the consent of his wife on the basis of which wife is also charge sheeted. Apart from this, he submits that even the medical evidence does not support the case of the prosecution and the Doctor who medically examined the victim in her statement stated that "Hymen Perineum found to be Partially present" and</li> </ol> |



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|  |  | <p>it may be caused from other reasons like swimming and there is no injury mark either on the body or in the private part of the body, furthermore there is great contradiction in the statement of the Doctor itself. He further submits that though the submissions as made above are completely the subject matter of the trial but the fact remains there is no consistency in the statement of the doctor and other witnesses including the victim and the story which she has stated in her statement completely false and frivolous and no prudent person can accept it. He further submits that the trial has already been commenced and the present applicant is languishing in jail since last more than one year, i.e., from 23.06.2025 and the applicant has no criminal antecedent.</p> <p>5. On the other side, Mr. Pratiroop Pandey, learned A.G.A. for the State also submits that the trial has already been commenced and prima facie there is no consistency in the statement of the Doctor as well as the victim though it is completely a subject matter of the trial and also fairly submits that applicant has no criminal antecedent and is languishing in jail since last more than one year.</p> <p>6. After hearing the arguments of the learned counsel for the parties and taking into consideration that the applicant is languishing in jail since last more than one year and trial has already been commenced and the applicant has no criminal antecedent, this Court is of the view that the applicant deserves for bail.</p> <p>7. Accordingly, without expressing any opinion on the merit of the case, the bail application is allowed.</p> <p>8. Let the applicant Vishal Koushal @ Sahil be released on bail on his executing a personal bond and furnishing two reliable</p> |
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|  |  |  | <p>sureties of the like amount to the satisfaction of the court concerned subject to the following conditions:-</p> <p>(i) The applicant after being released on bail shall join the trial court proceeding on each and every date without seeking unnecessary adjournment.</p> <p>(ii) The applicant shall not give any threat to the victim and the informant and will not make any attempt to temper the evidence.</p> <p>Breach of any of the conditions, as aforesaid, the prosecution is free to move an application for bail cancellation</p> <p style="text-align: right;"><b>(Rakesh Thapliyal, J.)</b><br/>30.07.2026</p> <p>Parul</p> |
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