

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	UKHC010084922026  2026:UHC:7316 COURT'S OR JUDGE'S ORDERS
			<u>BA1/849/2026</u> Akshay Chauhan --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Rishabh Bisht, learned counsel for the applicant. 2. Mr. Tumul Nainwal, learned AGA Holder for the State. 3. The present applicant-Akshay Chauhan, S/o Prithvi Singh Chauhan is praying for bail in reference to first information report dated 04.04.2026 bearing FIR No.0043 of 2026 P.S. Raiwala, District Dehradun for the offences punishable under Section 137(2) of BNS and 11/12 of the POCSO Act lodged by one Jitendra Singh against unknown person about missing of his daughter since 02.04.2026. The missing daughter of informant was recovered after five days from a hotel from the possession of the present applicant, who is infact the husband of the elder sister of the victim. 4. It is submitted that the present applicant is innocent and has been falsely implicated and infact during the period when the victim was missing, she was with her maternal uncle and aunt in reference to which certain photographs is also enclosed as Annexure 3. Apart from this, he submits that the victim though in her statement recorded

			under Section 180 of BNSS, 2023 alleged that the present applicant committed sexual assault with her but she take u-turn in her statement recorded under Section 183 of BNSS, 2023. He also submits that the proceeding of trial court is challenged in C528 No.1761 of 2026 alongwith compounding applicant with the affidavit of informant, the father of the victim wherein in para 7 of the affidavit he has contended that the criminal proceeding has been lodged by him on account of some misunderstanding and subsequently matter has been resolved amicably with the intervention of the family members without any coercion and request that the entire proceeding be dropped. He further submits that charge sheet has already been filed and the present applicant is languishing in jail since 10.04.2026. 5. On the other side Mr. Tumul Nainwal, learned AGA submits that after collecting all credible evidence, the charge sheet has been filed. 6. On the previous date a question was arise that if neither the medical report establishes sexual assault nor the doctor opined that there is a sexual assault then on what material the present applicant is charge sheeted for the offence punishable under Section 137(2) BNS, 2023 read with Section 11/12 of POCSO Act then on the request of learned AGA the matter is posted for today so that the I.O. concern may explain why the charge sheet is filed. 7. Today, Ms. Meenu Yadav, the I.O. join the proceeding through V.C. and explain that on completion of investigation in place of
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			Section 3/4 of POCSO Act Section 11/12 of POCSO is inserted. 8. After hearing the submissions of learned counsel for the parties and taking into consideration that Section 3/4 of POCSO Act has been substituted by Section 11/12 of POCSO Act while submitting the charge sheet and in C528 No.1761 of 2026 the compounding application is moved wherein the informant himself stated in the affidavit that due to some misunderstanding, the criminal proceeding has been launched, this Court is of the view that applicant deserves for bail. 9. Accordingly, without expressing any opinion on the merit of the case, the bail application is allowed. 10. Let the present applicant-Akshay Chauhan be released on bail on his executing a personal bond and furnishing two reliable sureties of the like amount to the satisfaction of the court concerned. (Rakesh Thapliyal, J.) 17.08.2026 Arti
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