



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>BA1/859/2026</u> Shyamu Alias Shyam --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mrs. Pushpa Joshi, learned senior counsel assisted by Mrs. Nipush Mola Joshi, learned counsel for the applicant. 2. Mr. G.S. Sandhu, learned Addl. Advocate General with Mr. Deepak Bhardwaj, learned Brief Holder for the State. 3. The present applicant 'Shyamu @ Shyam' S/o Shri Jaipal is praying for bail in reference to First Information Report dated 11.11.2025 bearing FIR No. 402 of 2025 P.S. Bajpur, District Udham Singh Nagar, wherein, three persons including the present applicant have been implicated for the offences punishable under sections 64(2)(m), 351(2) of BNS, 2023, r/w section 5/6 of POCSO Act. On completion of the investigation all the three persons have been chargesheeted, however, the present applicant is chargesheeted for the offences punishable under sections 64(2)(m), 351(2) of BNS, 2023 r/w section 5/6 of POCSO Act, P.S. Bajpur, District Udham Singh Nagar and rest of the two other co-accused have been implicated on different penal provisions but not under the POCSO Act. 4. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated and in fact the applicant and the victim known to each other since last more than three years and they were classmates, which the victim admits in her statement recorded under section 183 of BNS, 2023. She further argued that the present applicant have no criminal antecedent and is languishing in jail since



			12.11.2025 and the charge-sheet has been filed, therefore, there is no need of custodial interrogation. 5. Apart from this, she submits that earlier the settlement was arrived before the Panchayat, copy of which is enclosed at page-21 and it was agreed that both of them will marry together after attaining the age of majority. 6. Learned counsel for the applicant submits on instructions that in view of the settlement as arrived in between the parties before the Panchayat, which is enclosed as Annexure-4, the applicant after being released on bail will marry with the victim if she agrees. 7. On the other side, learned Additional Advocate General Mr. G.S. Sandhu have not disputed that the charge-sheet has already been filed and the present applicant have no criminal antecedent; however, he submits after collecting all credible evidences the charge-sheet has been filed. 8. Apart from this, Mr. Sandhu has not disputed that the settlement has been also arrived in between the parties and submits if the applicant is ready to marry the victim then this aspect can be looked into while considering the bail application. 9. After hearing the arguments of learned counsel for the parties and taking into consideration the statement given by the learned counsel for the applicant on instruction or based on settlement that the applicant will marry with the victim after being released if she agrees, this court is of the view that the applicant deserves for bail. 10. Accordingly, without expressing any opinion on the merit of the case, the bail application is allowed. 11. Let the applicant 'Shyamu @ Shyam' be released on bail on furnishing his personal bond and two sureties each of the like amount to the satisfaction of the court concerned subject to the following condition: i. After being released on bail he shall join the Trial Court proceeding on each and every date and shall also abide by the terms and
--	--	--	--



			conditions before the Panchayat, which is reflected from Annexure-4 with voluntary consent of victim. ii. He will not give any threatening to victim and her family members to pressurize them and will not leave the country without leave of the Trial Court and shall surrender his passport (if any). (Rakesh Thapliyal, J.) 29.07.2026 PR
--	--	--	--