

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	UKHC010090332026  2026:UHC:7627 COURT'S OR JUDGE'S ORDERS
			<u>BA1/911/2026</u> Vishal Kumar --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Rajat Mittal, learned counsel for the applicant. 2. Mrs. Rangoli Purohit, learned AGA for the State. 3. The instant bail application is moved on behalf of the present applicant-Vishal Kumar, S/o Sri Satish for seeking regular bail in reference to first information report dated 09.09.2024 bearing FIR No.0266 of 2024 P.S. Sahaspur, District Dehradun, wherein he is implicated and charge sheeted for the offences punishable under Section 137(2), 65(1), 352 of BNS, 2023 read with Section 5(1)/6 of POCSO Act, 4. It is argued by learned counsel for the applicant that at the time of incident though the victim was 14 years but the applicant was also of a tender age of 21 years and their families known to each other and both of them are friends, which is evident from the fact that for 10-11 days they both visited different places including Kullu Manali. He submits that there is no such forceful sexual assault as contended in the FIR, which is evident from the fact that victim was examined by trial court as a P.W.1 and during her examination-in-chief on 10.02.2025 she clearly stated that nothing

		wrong has been done with her by the present applicant. It is further submitted that the doctor, was also examined as P.W.3 on 10.04.2026 and stated that there is sign of sexual assault with the victim and it can be said that no rape was committed. Apart from this, he submits that there is no substantial progress in the trial since out of 12 prosecution witnesses up till date only 3 prosecution witnesses have been examined. He submits that the present applicant, who at the time of incident was 21 years of age is languishing in jail since 17.09.2024 and suffered incarceration of more than one year and ten months, therefore, taking into consideration that he may already suffered long incarceration, he may be released on bail. 5. On the other side, Mrs. Rangoli Purohit, learned AGA have not disputed that present applicant is languishing in jail since 17.09.2024 and the doctor has not given any opinion during his examination-in-chief with regard to any sexual assault and even the victim have not fully support the case of the prosecution. 6. After hearing the submissions of learned counsel for the parties and taking into consideration that firstly the present applicant already suffered incarceration of more than one year and ten months secondly, there is no substantial progress in the trial since out of 17 prosecution witnesses up till date only 3 prosecution witnesses have been examined and thirdly neither the victim nor the doctor have supported the case of the prosecution though it is completely the
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			subject matter of trial, therefore, this Court is of the view that applicant deserves for bail. 7. Accordingly, without expressing any opinion on the merit of the case, the bail application is allowed. 8. Let the present applicant-Vishal Kumar 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 subject to the conditions:- i. Applicant shall join trial court proceeding on each and every date without seeking any unnecessary adjournment. ii. Applicant after being released on bail shall not give any threatening to the victim and her family members failing which the prosecution is free to move an application for bail cancellation. (Rakesh Thapliyal, J.) 21.08.2026 Arti
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