

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS UKHC010096082025  2026:UHC:7474
			<u>UKHC010096082025</u> <u>BA2/180/2025</u> Pankaj Pal --Applicant Versus State of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Harsh Vardhan Dhanik, Ms. Sheetal Selwal, learned legal aid counsel, for the applicant. 2. Mr. Vijay Khanduri, learned Brief Holder, for the State of Uttarakhand. 3. The first bail application was dismissed as withdrawn. Now, though in the first bail application, the detail counter affidavit has been filed and record of which is also attached with this second bail application 4. The present applicant – Pankaj Pal S/o Shri Naseeb Chand, is praying for bail in reference to FIR dated 24.12.2023 bearing FIR No.717 of 2023, Police Station Patel Nagar, District Dehradun, wherein, the present applicant is facing trial for the offences punishable under Sections 323, 376 (3) and 506 of IPC read with Sections 3/4 of the POCSO Act. 5. It is argued by learned counsel for the applicant that the present applicant is innocent and has been falsely implicated and there is no scientific evidence with regard to the sexual assault, and he was arrested on 25.12.2023 and since then he is languishing in jail. She further submits that the applicant has already suffered long incarceration of two and half years and there is no substantial progress in the trial, since up till date only the prosecution witness have been examined and there is no possibility that the trial would be expedited soon. She further submits that at the time of the incident, the applicant was of tender age of 18 years and the victim was about 13 years, however, the Doctor who has conducted the medical examination of the victim have not given any definite opinion with regard to the sexual assault. 6. On the other side, learned Brief Holder have not disputed that the trial has already been commenced and

		though the Doctor has not given any definite opinion about sexual assault, but on the basis of the statement of the victim the chargesheet has been filed. Apart from this, he has not disputed that the present applicant was arrested on 25.12.2023 and since then he is in jail and suffered long incarceration of more than two and a half years and, on instructions, he submits that the conduct of the present applicant is good in jail during this period, though he is not medically fit. 7. After hearing the submissions of the learned counsel for the parties, and taking into consideration that the present applicant is languishing in jail since 25.12.2023 and has already suffered long incarceration of more than two and half years and there is no substantial progress in the trial and also perused the objections of the State filed in the first bail application, this Court is of the view that the applicant deserves for bail. 8. Accordingly without expressing any opinion on the merits of the case, the instant bail application is allowed. 9. Let the applicant - "Pankaj Pal", be released on bail, on his executing a personal bond and furnishing two reliable sureties, each of the like amount to the satisfaction of the Court concerned. (Rakesh Thapliyal, J.) 19.08.2026 Nitesh/
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