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IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

03rd JANUARY, 2026

FIRST BAIL APPLICATION NO. 1313 of 2025

Akash Applicant

Versus

State of Uttarakhand Respondent

Counsel for the Applicant : Mrs. Neelima Mishra, Advocate
(through video conferencing).

Counsel for the Respondent : Mr. Pratiroop Pandey, Assistant
Government Advocate.

Hon'ble Alok Kumar Verma,J.

Applicant Akash is in judicial custody for the offence punishable under Sections 65(1), 137(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 5 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 in Case Crime No.600 of 2024, registered at Police Station Patel Nagar, District Dehradun.

2. According to the respondent, the applicant had taken away the daughter, aged about 14 years, of the informant. The First Information Report was registered on 21.09.2024 against the applicant. The victim was recovered from the custody of the applicant. A charge-sheet was filed. Statement of the victim (PW1) has been recorded.



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3. Heard Mrs. Neelima Mishra, learned counsel appearing for the applicant and Mr. Pratiroop Pandey, learned Assistant Government Advocate for the respondent.

4. Mrs. Neelima Mishra, Advocate, has submitted that the applicant was not involved in the said offence. The alleged victim was not recovered from the custody of the applicant. The victim, aged about 14 years (PW1), has not supported the case of the prosecution in her cross-examination. She stated in her cross-examination that she does not recognize the accused (applicant). She never went with him and no physical relation was established between her and the applicant. She (victim) has not been re-examined by the prosecution. Applicant has not been convicted by any Court. He is a permanent resident of District Bijnor, Uttar Pradesh, therefore, there is no possibility of his absconding, and, he is in custody since 03.10.2024.

5. Mr. Pratiroop Pandey, Assistant Government Advocate, has opposed the bail application. However, he submitted that the victim has not supported the case of the prosecution in her cross-examination and the prosecution has not re-examined her.

6. Bail is the rule and committal to jail is an exception. Refusal of bail is a restriction on the



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personal liberty of the individual, guaranteed under Article 21 of the Constitution of India. The object of keeping the accused in detention during the trial is not punishment. The main purpose is manifestly to secure the attendance of the accused.

7. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, no reason is found to keep the applicant behind the bars for an indefinite period, therefore, without expressing any opinion as to the merits of the case, this Court is of the view that the applicant deserves bail at this stage.

8. The Bail Application is allowed.

9. Let the applicant-Akash be released on bail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned.

ALOK KUMAR VERMA, J.

Dt: 03.01.2026
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