

Judgment reserved on:01.07.2026
Judgment delivered on:09.07.2026

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Bail Application No.1392 of 2025

Sandesh Sabhaji Chiplekar. Applicant.

Versus

State of Uttarakhand. Respondent.

With

Bail Application No.1393 of 2025

Roshan Chintaman Patil. Applicant.

Versus

State of Uttarakhand. Respondent.

Present:

Mr. Lalit Sharma, learned counsel for the applicants.

Mr. Vijay Khanduri, learned Brief Holder, for the State of Uttarakhand.

Hon'ble Mr. Justice Rakesh Thapliyal, J.

1. These two bail applications have been moved by the applicants, namely, Sandesh Sabhaji Chiplekar, S/o Shri Sabhaji Chiplekar and Roshan Chintaman Patil S/o Shri Chintaman Raghunath Patil, who are the residents of State of Maharashtra, seeking regular bail in reference to First Information Report dated 04.10.2024 bearing FIR No.176 of 2024, P.S. Mukhani, District Nainital, lodged against unknown person for the offences punishable under Section 140 (3) of BNS, 2023, wherein, on completion of investigation both the applicants and three other accused persons have been chargesheeted and summoned to face the trial for the offences punishable under Sections 70 (2), 87 and 137 of BNS, 2023 read with Sections 5g/6 and 15 of the POCSO Act, 2012.

2. The brief facts of the case are that an FIR was lodged by one Smt. Renu Bohra on 04.10.2024, at Police Station Mukhani,

Nainital, regarding missing of her daughter, who went on the date of the incident to school at about 6:40 AM, where she is studying but neither she reached the institution nor came back. During investigation the victim, daughter of the informant, was recovered on 11.10.2024 from a bus depot at Uttamnagar, New Delhi, and after interrogation, the applicants were arrested on 12.10.2024, and thereafter, after thorough investigation the chargesheet was filed on 07.12.2024, wherein, in total five persons, including the present two applicants were chargesheeted for the offences punishable under Sections 70(2) read with Sections 87 and 137 of BNS, 2023 and also under Sections 5(g)/6 and 15 of the POCSO Act 2012. The details of the accused persons, who have been chargesheeted are as follows:-

A1 – Sahil Kumar

A2 – Ashish

A3 –Roshan Chintaman Patil (applicant)

A4 – Sandesh Sabhaji Chiplekar (applicant)

A5 – Yogesh Ramesh Nayak

3. So far as A1 – Sahil Kumar and A2 – Ashish, are concerned, both are resident of South Delhi and other three accused persons i.e. A3, A4 and A5, all are from Navi Mumbai, Maharashtra.

4. Learned counsel for the applicants argued that both the applicants have been falsely implicated and are not named in the FIR, and the victim was not recovered from their custody, and neither the FIR nor the statement of the victim recorded under Sections 180 and 183 of BNSS, 2023, discloses any cognizable offence and even victim has not disclosed their names. He further submits that no formal ground of arrest was communicated to the applicants at the time of their arrest. He further submits that the local police personnel acted in collusion with victim's father,

since they were detained along with their family members in a Hotel owned by the victim's father. He also submits that the investigation is not fair since the police personnel travelled along with the applicants and the co-accused Yogesh Ramesh Nayak with their family members in flight no.6E-2236 from Mumbai to Delhi and stayed at hotel Zenith at Delhi, which is owned by the victim's father. He further submits that during investigation no incrementing evidences were collected and now the investigation has been completed and the chargesheet has been filed and the trial has also been commenced, therefore, there is no need of any further custodial interrogation, and in fact, the victim was in love with another person, namely, Bhanu and now only to save him from the clutches of law, the victim narrated a different story. He also submits that both the applicants are languishing in jail since 12.10.2024 and are in prolonged incarceration, and therefore, they may be released on bail since there is no possibility that the trial would be expedited soon.

5. Two supplementary affidavits have also been filed on behalf of the applicants placing on record certain flight tickets and the Google pay receipt, including the statement of one of the officers of the Police Department, and in another supplementary affidavit filed on 20.01.2026, certain relevant extracts of GD entries and the extracts of the CCTV footages, have also been placed on record.

6. In the supplementary affidavit filed on 03.09.2025, it is contended that on 08.10.2024, the father of victim as well as three police personnel, including one ASI - Sumit Kumar, along with co-accused Sandesh Sabhaji Chiplekar and Yogesh Kumar Nayak, and their family members boarded in a flight from Mumbai to Delhi in Flight No.6E-2236, which take off from Mumbai at about

3:00 AM and arrived at 5:10 AM, and after reaching at Delhi, they all stayed in a hotel, namely, Zenith Hotel, which belongs to the father of victim, where they were detained till 12.10.2024. It is further stated in this affidavit that on 11.10.2024, the applicant Roshan Chintaman Patil, was called from Mumbai to Delhi, who also came in Flight No.6E-6028, and after reaching at Delhi, he was also detained in the same hotel i.e. Hotel Zenith, owned by victim's father. It is also stated that rent of hotel of Rs.14,500/- was also paid by the mother of co-accused Yogesh to the victim's father through Google pay. He submits that the police personnel were hand in glove with the father of the victim.

7. In another supplementary affidavit filed on 22.05.2026, certain transcript of audio and videos recordings were also placed on record, including the statement of PW 5, father of the victim Mr. Chandan Singh. In paragraph 4 of this affidavit, by referring the transcript of audio, learned counsel for the applicants submits that the conversation in between the father of victim with the family members of the applicants shows that they were demanding money from them and when they could not fulfilled their demand, the applicants have been implicated. By referring the statement of PW 5, father of the victim, learned counsel for the applicants submits that during his examination before the Trial Court, he leveled various allegations against the family members of the accused persons.

8. Per contra, Mr. Vijay Khanduri, learned Brief Holder, vehemently opposed the bail application by submitting that the present incident is of a gang rape by five persons with a minor girl aged about 15 years. He submits that after thorough investigation, the chargesheet was filed and in total five accused persons have been chargesheeted, out of which, three belongs to

the State of Maharashtra, and two belongs to Delhi, and the offence is of an exceptionally heinous in nature. He submits that the victim has consistently supported the prosecution case in her statement and her narrative is corroborated by electronic evidence, specifically the CCTV footages collected from Hotel Moodymoon.

9. Learned State Counsel further argued that the age of the victim was established from her birth certificate, as well as, as per the statement of the Principal of the Institution, where she is studying. He further argued that the investigation reveals that the accused persons committed 15 times sexual assault with the victim natural as well as unnatural, and it is a case of a gang rape committed by five persons.

10. He further submits that the offences falls under Section 70 (2) of BNS, 2023 and Section 5(g)/6 of the POCSO Act, which carry stringent minimum punishment extending up to life imprisonment and now the trial is going on and if at this stage when all the accused persons belongs to different States, the applicants have been enlarged on bail, it will hamper the entire ongoing trial.

11. Learned State Counsel also submits that at the time of arrest the grounds of arrest were also communicated to each of the applicants and with regards to the submissions that the police personnel were in connivance with the victim's father is completely afterthought and without any substance. He also submits that the medico legal report also supports the case of the prosecution since the hymen was also not found to be intact and there are also injury marks i.e. brown linear abrasion on middle side of the forearm.

12. Heard the arguments advanced by the learned counsel for the parties and carefully perused the record.

13. At the stage of considering the regular bail applications, the Court must balance the right to personal liberty against the gravity of offence. Though the learned counsel for the applicants raised serious factual contentions regarding flight travel details and lodging at Hotel Zenith in order to demonstrate that police personnel were in collusion with the father of the victim, but all these submissions are immaterial and are the subject matter of trial, and considering the gravity of the offence, tender age of the victim, and the fact that the victim in her statement consistently supports the case of the prosecution and the hymen was also not found to be intact, and there are injury marks, and furthermore all the accused persons belongs to different State, and there is a bar under the POCSO Act, 2012, regarding the presumption of guilt, this Court is of the view that releasing the applicants-accused at this stage would prejudice the trial and adversely impact the safety of the minor victim. Both the bail applications of the applicants are rejected being lack of merit.

14. It is made clear that the trial is free to proceed and expedite the trial without being influenced with the observations as above.

(Rakesh Thapliyal, J.)

09.07.2026

NR