



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>BA1/1506/2025</u> Rajesh Sharma --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Ms. Reema Rana, learned counsel for the applicant through Legal Aid. 2. Mr. Vijay Khanduri, learned Brief Holder for the State. 3. The instant bail application has been moved along with the Exemption Application (IA No. 1 of 2025) through Legal Aid Counsel on behalf of Rajesh Sharma who is facing the trial for the offence punishable under Section 376AB of IPC read with Section 5(l)(m)/6 of the POCSO Act registered at P.S. Patel Nagar District Dehradun arising out of FIR dated 30.07.2023 bearing FIR No. 0395 of 2023 wherein present applicant is implicated by the informant who is in fact wife of the present applicant. 4. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated by the second wife with regard to the allegation of sexual assault with his step-daughter who was only 10 years old at the time of the incident. It is submitted that the applicant is languishing in jail since 30.07.2023 and there is no substantial progress in the trial and already suffered prolonged incarceration of about three years and the Doctor who conducted the medical examination of the victim have not given any definite opinion with regard to the sexual assault though



		hymen was found to be torn and that may be due to some other reasons. She further submits that even as per the medical report there is no injury mark on any part of the body of the victim therefore it cannot be said that there was forceful sexual assault with the victim. She further submits that in fact informant have some matrimonial dispute with the applicant since she is his second wife and the victim is his step-daughter but this aspect has not been investigated by the I.O. Finally she concluded her arguments by submitting that there is no progress in the trial and the applicant has already suffered long incarceration and have no criminal antecedent. 5. On the other side, Mr. Khanduri, learned Brief Holder for the State submits that after collecting all credible evidence charge sheet has been filed and the offence is heinous one since it is a sexual assault against 10 years old girl who is in fact step-daughter of the applicant, however, he has not disputed that the applicant already suffered long incarceration of about 3 years. 6. After hearing the arguments of the learned counsel for the parties and taking into consideration that the applicant is languishing in jail since 30.07.2023 and he has no criminal antecedent and the FIR is lodged by the wife of the applicant, therefore, this Court is of the view that the applicant deserves for bail. 7. Accordingly, without expressing any opinion on the merit of the case, the bail application is allowed. 8. Let the applicant Rajesh Sharma 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 following conditions:
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			(i) The applicant after being released on bail shall join the trial court proceeding on each and every date without seeking unnecessary adjournment. (ii) The applicant shall not give any threat to the victim and the informant and will not make any attempt to temper the evidence. Breach of any of the conditions, as aforesaid, the prosecution is free to move application for bail cancellation. (Rakesh Thapliyal, J.) 30.07.2026 Parul
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