



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>BA1/1595/2025</u> Mukhtyar Shah --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. D.N. Sharma, learned counsel for the applicant. 2. Mr. Himanshu Sain, learned AGA for the State. 3. The instant bail application has been preferred by the applicant "Mukhtyar Shah, son of Ramzan Shah" who is facing trial in connection with FIR dated 12.04.2025 bearing FIR No. 118 of 2025, registered at Police Station - Jaspur, District - Udham Singh Nagar wherein applicant is facing trial for the offences punishable under Section 351 (2), 352, 64 (1) BNS, 2023 read with Section 3 / 4 of the POCSO Act. 4. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated and there is no independent eye witness and applicant is 73 years old senior citizen and is languishing in jail for the last 14 months i.e. since 13.04.2025 and he has already cooperated with the investigation as well as in the trial and his detention will serve no purpose. He further submits that other co-accused Salman, son of present applicant and Faima, wife of Ikrar have already been bailed out on 02.07.2025 and 14.07.2025 by this Court. He further submits that taking into consideration that applicant is in prolonged incarceration and is a senior



		citizen, he may be enlarged on bail, since other co-accused have already been enlarged on bail. 5. On the other side, Mr. Himanshu Sain, learned AGA for the State, has vehemently opposed the bail application by submitting that though the applicant is a senior citizen but simultaneously, victim was also of vulnerable age of just 14 years at the time of incident and the victim in her deposition under Section 183 BNSS and also during her examination in chief and during cross examination, has fully supported the prosecution case. He further submits that medical report confirms that hymen was torn and she was also pregnant and the investigation reveals that present applicant with the help of his son and daughter in law has forcibly terminated the pregnancy of the victim in order to destroy the evidence. He further pointed out that so far as other co-accused Salman and Faima are concerned, they were enlarged on bail by this Court by observing that present applicant is the main accused, which itself is reflected from the order of granting bail by order dated 02.07.2025 in BA1 No. 1142 of 2025 and order dated 14.07.2025 in BA1 No. 1197 of 2025. He submits that taking into consideration the age of the victim and the fact that applicant has forcibly terminated the pregnancy of the victim with assistance of co-accused in order to destroy the evidence and also that the victim supports the prosecution's case, applicant does not deserve for bail. 6. After hearing the rival submissions of the learned counsel for the parties and after examining the record, this Court is of the view that applicant is facing trial of heinous crime of penetrative sexual assault on 14 years old minor victim under the POCSO Act and victim is consistently supporting the prosecution case during the trial. She deposed without breaking in the examination in chief and cross
--	--	--



			examination and the medical report supports that prosecution case. Forcible termination of pregnancy establishes that an attempt was made by the applicant to destroy evidence, therefore, releasing the applicant at the crucial stage of trial, may hamper the trial or he may intimidate the witnesses. 7. Accordingly, without expressing any opinion on the merit of the case, the instant bail application is rejected. However, it is made clear that trial court may proceed with the trial without being influenced by any observation made as above. (Rakesh Thapliyal, J.) 30.06.2026 SKS
--	--	--	--