



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>BA1/2068/2025</u> Ravindra Mishra --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Mukesh Kaparuwan, learned counsel with Mr. Shubham Bhardwaj, learned counsel for the applicant. 2. Ms. Meenakshi Sharma, learned A.G.A. for the State. 3. Present applicant Ravindra Mishra, S/o Gupteshwar Mishra is praying for bail in reference to FIR dated 07.08.2024, bearing FIR No. 0101 of 2024, P.S. Muni Ki Reti District Tehri Garhwal which was lodged against unknown person for the offence punishable under section 137(2) of BNS 2023. During investigation, the applicant was arrested on 07.08.2024 and thereafter after thorough investigation charge sheet was filed against the present applicant and another co-accused, namely, Ankush for the offences punishable under Sections 137(2), 65(1), 351(3) of BNS 2023 read with Section 3 and 4 of the POCSO Act. 4. It is argued by the learned counsel for the applicant that the present applicant is innocent and has been falsely implicated and he is languishing in jail since 07.08.2024, and as per the prosecution there are in total 15 prosecution witnesses and up till date only three prosecution witnesses have been examined and therefore taking into consideration the prolong incarceration of the applicant and the fact that there is no



		possibility that the trial would be expedited soon, the applicant be released on bail. He further submits that the parents of the victim have also been declared hostile by the trial court and even the victim did not support the case of the prosecution. He further submits that applicant have no previous criminal antecedent. 5. On the other side Ms. Meenkshi Sharma, learned A.G.A. submits that after thorough investigation charge sheet has been filed and two persons including present applicant have been charge sheeted and the trial has already been commenced, however, she has not disputed that out of total 15 prosecution witnesses up till date only three witnesses have been examined out of which two prosecution witnesses who are parents of the victim have been declared hostile by the Trial Court. She also submits that though the victim support the case of the prosecution in her statement recorded under Section 183 of BNSS 2023 but during examination-in-chief she has not support the case of prosecution. She further submits that as per the medical report the hymen was found torn (fresh). With regard to the prolong incarceration she has not disputed that the present applicant is languishing in jail since 07.08.2024 and have no criminal antecedent. 6. After hearing the rival submission of learned counsel for the parties and taking into consideration that up till date out of 15 prosecution witnesses only three witnesses have been examined and the present applicant is languishing in jail since 07.08.2024 and furthermore there is no possibility that the trial would be expedited soon, 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
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			application is allowed. 8. Let the applicant Ravindra Mishra 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 condition subject to the following conditions:- (i) After being released on bail the applicant shall cooperate with the trial court proceeding on each and every date without seeking unnecessary adjournment. (ii) The applicant shall not make any attempt to influence the witnesses and will not give threatening to the victim as well as her family members. (iii) The applicant will immediately surrender his passport, if any, with the Trial Court. 9. It is made clear that this order will not be treated as precedent in respect of other co-accused. (Rakesh Thapliyal, J.) 17-07-2026 Parul
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