

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	UKHC010185612025  2026:UHC:6943 COURT'S OR JUDGE'S ORDERS
			<u>BA1/2266/2025</u> Jitendra Kumar State Of Uttarakhand --Applicant --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> Ms. Reema Rana, learned legal aid counsel for the applicant. 2. Mrs. Rangoli Purohit, learned AGA for the State. 3. The instant bail application is moved on behalf of the applicant-Jitendra Kumar, S/o Late Tansen praying for bail in reference to a Case Crime No.116 of 2023 arising out of first information report dated 11.03.2023, P.S. Patel Nagar, District Dehradun wherein the present applicant is now facing trial for the offences punishable under Sections 376(2)(f), 376(2)(n), 376(3), 323, 504 and 498-A of IPC read with Section 5(l)(n)/6 of POCSO Act. 4. It is argued by learned counsel for the applicant that applicant is innocent and has been falsely implicated and the informant and the victim are the step wife and daughter of the applicant and it is second marriage of the applicant with the informant and there is some matrimonial dispute in between both of them due to which they are living separately since 2016, which itself is evident that the charge sheet has also been filed under Section 498-A of IPC. She submits that it is a separate penal provision and addition of

			Section 498-A IPC in the charge sheet, which itself reveals that due to matrimonial dispute in between the applicant and his wife(informant) the applicant has been implicated with the charge of sexual assault with the step daughter. Apart from this, she submits that it is a case of false implication which is also evident from the fact that in the FIR the informant talks about an incident of 2019 though on that day the applicant was languishing in jail in relation to a Case Crime No.192 of 2018 which pertains to the offence punishable under Section 8/21 of N.D.P.S. Act, P.S. Kankhal, District Haridwar and in support of this, the jail custody certificate is also enclosed at page 24, which was issued by the Jailor of District Jail Haridwar on 30.04.2025. She submits that admittedly on the date of alleged incident, which was occurred, as per the FIR in the year 2019 the applicant was already languishing in jail and, therefore, entire allegations are false however this aspect is nowhere dealt with by the I.O. while submitting charge sheet which itself shows that the I.O. filed the charge sheet in a very mechanical manner. 5. On the other side, Mrs. Rangoli Purohi, learned AGA vehemently opposed the bail application by submitting that the present applicant is step father of the victim who was 14 years of age at the time of incident, therefore, the offence is heinous and applicant does not deserve for bail. 6. After hearing the submissions of learned counsel for the parties and after gone through with the record particularly the FIR and the custody certificate and the fact that
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			the present applicant is languishing in jail since 25.04.2023 since last more than three years and there is no substantial progress in the trial and at this juncture when this Court is considering the bail application, it is not proper for this Court to give any observation with regard to the merit of the case, this Court is of the view that applicant deserves for bail. 7. Accordingly, without expressing any opinion on the merit of the case, the bail application is allowed. 8. Let the present applicant-Jitendra Kumar 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. (Rakesh Thapliyal, J.) 05.08.2026 Arti
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