

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS UKHC010188052025  2026:UHC:6379
			<u>UKHC010188052025</u> <u>BA1/2294/2025</u> Neeraj Yadav --Applicant Versus State of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Basant Singh, learned counsel for the applicant. 2. Mr. Vijay Khanduri, learned Brief Holder, for the State of Uttarakhand. 3. The instant bail application is moved on behalf of the applicant - Neeraj Yadav S/o Shri Sompal, who is seeking regular bail in reference to FIR dated 09.05.2025 bearing FIR No.221 of 2025, Police Station Rudrapur, District Udham Singh Nagar, wherein, the present applicant has been implicated for the offences punishable under Sections 65 read with Section 62, 115 (2) of BNS, 2023 and Section 7/8 of the POCSO Act, 2012. 4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated and is languishing in jail since 10.05.2025, and is in continuous custody for over 14 months. He submits that the medical reports indicates that the hymen was "old torn" indicating a lack of any fresh penetrative injury attributed to the applicant, and the trial has already been commenced but not concluded so far, and the applicant have no criminal antecedents, therefore, the applicant be released on bail. 5. Per contra, learned State Counsel vehemently opposed the bail application by submitting that the present applicant is aged about 28 years and the victim in the present case at the time of the alleged incident was 05 years old, and the applicant committed a heinous sexual assault on the victim child of 5 years old. He submits that the incident was supported by the statement of the co-tenant Ms. Chandrakali. He also submitted that the victim child (PW1) was initially unable to narrate the details due to severe trauma and

		fright but after psychologist intervention and assistance of a support person, Ms. Vineeta Dhami, the victim narrated the entire incident. He further submits that the medical examination reveals the physical violence, including 4 x 2 cm dark reddish brown abrasion on the right side of extended neck, 1 x 1 cm, abrasion on the left lateral angle of mouth, dark reddish brown and subconjunctival haemorrhage broken blood vessel in the left eye, indicating forceful smothering and choking. He further submits that the independent witness Ms. Chandrakali has corroborated the occurrence and therefore, the release of the applicant, at this stage, would pose a direct threat to the safety of the victim. 6. I have heard learned counsel both the sides and perused the record along with medical reports. 7. The argument of learned counsel for the applicant regarding "old torn hymen" cannot be evaluated in isolation at this stage, as the physical injuries specifically the abrasion on the neck and mouth indicates towards the use of criminal force and physical assault on 5 year old child. The subsequent assistance of the psychologist and the support person conforms to the child friendly spirit of the POCSO Act, and does not automatically imply tutoring. There is a statutory presumption also under Sections 29 and 30 of the POCSO Act. 8. Considering the tender age of the victim, the nature and gravity of physical injuries corroborating the assault, I do not find this is a fit case for grant of bail. Accordingly, the instant bail application is rejected. 9. Nothing observed, herein, shall be construed as an expression of opinion on the final merits of the case during trial. The Trial Court proceeds and concludes the same on its own merit without being influenced with observations as above. (Rakesh Thapliyal, J.) 22.07.2026 Nitesh/
--	--	---

--	--	--	--