



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>BA1/2371/2025</u> <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Dinesh Chandra Joshi, learned counsel for the applicant. 2. Mr. Pratiroop Pandey, learned A.G.A. for the State. 3. Mr. Rajendra Singh Negi, learned counsel for the victim. 4. Present applicant Sahabuddeen Ali, S/o Baber Ali is praying for bail in reference to FIR dated 24.08.2024 bearing FIR No. 0170 of 2024, P.S. Banbhoolpura District Nainital which was lodged by the informant Mohd. Najakat Ali, grand-father of the victim against unknown person for the offence punishable under Section 140(3) of BNS 2023. On completion of investigation applicant has been charge sheeted for the offences punishable under Sections 137(2), 65(1), 87 of BNS 2023 read with Section 5(l)(ii)/6 of the POCSO Act. 5. It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated and in fact the victim has not support the case of the prosecution, since, she married with the applicant on 31.08.2024, as per her statement and Nikahanama, on stamp paper, is also placed on record. He further submits that from their marriage a male child was born on 30.05.2025 and the birth certificate of the child is also enclosed as annexure 7 wherein the applicant is shown as father of the child. He further submits that the trial has already been commenced and the applicant is languishing in jail since 12.01.2025. He further submits that taking into consideration that the trial has already been commenced and the victim herself admitted that she married with the



		applicant and there is a child from their marriage, the applicant be enlarged on bail. 6. Mr. Rajendra Singh Negi, learned counsel who put appearance on behalf of the victim submits that the applicant married with the victim and that is the reason affidavit has been filed in support of the bail application by the father of the victim. 7. On the other side, Mr. Pratiroop Pandey, learned A.G.A. for the state submits that the applicant was implicated because at the time of the incident the victim was minor, however, he has not disputed that father-in-law of the applicant (father of the victim) himself filed an affidavit in support of the bail application and the victim also have not support the case of the prosecution 8. Having heard learned counsel for the parties and taking into consideration that the applicant is languishing in jail since 12.01.2025 and the victim has not support the case of the prosecution since she herself admits that she married with the applicant and from their marriage there is one child, this Court is of the view that the applicant deserves for bail. 9. Accordingly without expressing any opinion on the merit of the case, the bail application is allowed. 10. Let the applicant 'Sahabuddeen' 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.) 17.06.2026 Parul
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