



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>BA1/2428/2025</u> Salamat --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Shivam Singh Pargai, learned counsel for the applicant. 2. Ms. Rangoli Purohit, learned A.G.A. for the State. 3. Present applicant Salamat, S/o Karamat is praying for bail in reference to FIR dated 07.08.2024, bearing FIR No. 259 of 2024, P.S. Sitarganj, District U.S. Nagar wherein the present applicant is facing the trial for the offences punishable under Sections 376(3) IPC read with Section 5/6 of the POCSO Act in Special Session Trial No. 789 of 2024. 4. It is argued by the learned counsel for the applicant that in fact applicant was in love with the victim and the physical relations in between both of them were consensual due to which she become pregnant and now gave birth to a child on 28.08.2024 and still he wants to marry with the victim but there is only rider of the age of the victim as per the Act but as and when the victim attain the age of the majority he undertakes that he will marry with the victim. 5. To examine this aspect whether the applicant is the biological father of the child or not and whether still victim wants to marry with the applicant or not State was directed to get instructions.



		6. On the basis of the written instructions as well as FSL report Ms. Rangoli Purohit, learned A.G.A. submits that as per the DNA the applicant is the biological father of the child to whom the victim gave birth. She further submits that the I.O. personally interact with the victim and on interaction the I.O. informed in writing that the victim still wants to marry with the applicant. At this juncture, learned A.G.A. also submits that though the applicant and victim are ready to marry with each other but there is rider of age, though, as a matter of fact, as per the DNA the applicant, admittedly, is the biological father of the new born baby to whom the victim gave birth. 7. On this learned counsel for the applicant submits that present applicant is languishing in jail since 08.08.2024 and almost for two years he is in custody and now he undertakes that as and when victim attains the age of majority he will marry with the victim. 8. After hearing the submission of the learned counsel for the parties and taking into consideration that the applicant is languishing in jail since 08.08.2024 and furthermore there is no substantial progress in the trial, as informed by the learned counsel for the parties, and applicant is the biological father of the new born baby to whom the victim gave birth, and learned counsel for the applicant, on instructions, undertakes that present applicant and his family members agrees that as and when applicant release on bail he will marry with the victim when she attain age of the majority, 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.
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			10. Let the applicant Salamat 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 Parul
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