



2026:UHC:13

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

02ND JANUARY, 2026

SECOND BAIL APPLICATION NO. 334 of 2025

Prabhu Kumar Applicant

Versus

State of Uttarakhand Respondent

Counsel for the Applicant : Mr. Tarun Pande, Advocate.

Counsel for the Respondent : Mr. Tumul Nainwal, Assistant
Government Advocate.

Hon'ble Alok Kumar Verma, J.

Applicant Prabhu Kumar is in judicial custody for the offence punishable under Section 64, Section 137(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 5 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 in Case Crime No.136 of 2025 (Special Sessions Trial No.49 of 2025), registered at Police Station Haldwani, District Nainital.

2. The First Bail Application (No.2419 of 2025) was dismissed as withdrawn on 18.12.2025 granting liberty to the applicant to file afresh.

3. According to the respondent, the victim, aged about 16 years, went missing on 05.05.2025. On the report of her mother, an FIR was registered against unknown person under Section 140(3) of the Bharatiya



Nyaya Sanhita, 2023. The informant is the step-mother of the victim. Applicant is the real brother of the informant. Applicant had established physical relations with the victim. He had rented a room. He had taken the victim to the said rented room.

4. Heard Mr. Tarun Pande, learned counsel for the applicant and Mr. Tumul Nainwal, learned Assistant Government Advocate for the respondent.

5. Mr. Tarun Pande, Advocate, submitted that the applicant has been falsely implicated. The alleged victim (PW1) and her mother (PW4) have not supported the case of the prosecution. They have turned hostile. The landlady (PW5) has stated that the applicant had come alone to take the room on rent. According to the Doctor (PW3), she did not express any opinion in her medical examination report regarding the rape. Applicant has no criminal antecedents. He is a permanent resident of District Betia, Bihar, therefore, there is no possibility of his absconding, and, he is in custody since 22.05.2025.

6. Mr. Tumul Nainwal, Assistant Government Advocate, has opposed the bail application orally. However, he submitted that the victim and her mother have not supported the case of the prosecution and no



other cogent and reliable evidence is available against the applicant.

7. Bail is the rule and committal to jail is an exception. Refusal of bail is a restriction on the personal liberty of the individual, guaranteed under Article 21 of the Constitution of India. The object of keeping the accused in detention during the trial is not punishment. The main purpose is manifestly to secure the attendance of the accused.

8. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, no reason is found to keep the applicant behind the bars for an indefinite period, therefore, without expressing any opinion as to the merits of the case, this Court is of the view that the applicant deserves bail at this stage.

9. The Bail Application is allowed.

10. Let the applicant-Prabhu Kumar be released on bail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned.

ALOK KUMAR VERMA, J.

Dt: 02.01.2026
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