HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 1361 of 2024

Dinesh .....Applicant

Versus

State of Uttarakhand .....Respondent

Present:-

Mr. Rajat Mittal, Advocate for the applicant through video conferencing.

Ms. Rangoli Purohit, Brief Holder for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant Dinesh is in judicial custody in Case Crime/FIR No. 50 of 2023, under Sections 376(3), 511, 323 & 504 IPC and Section 3/4/18 of the Protection of Children from Sexual Offences Act, 2012, Police Station Raipur, District Dehradun. He has sought his release on bail.

2. Heard learned counsel for the parties and perused the record.

3. According to the FIR, on 22.01.2023, the applicant tried to rape the victim, a young girl of 15 years. Somehow, the victim could raise alarm to save her.

4. Learned counsel for the applicant would submit that the statement of the victim is not reliable; during investigation and at different stages, the victim has stated that a person had come, when the alleged act was done, but that person has never been examined. Reference has been made to the statement of the victim as well as the statement

of her father. It is also argued that as per the victim, she sustained injuries, which she had shown to the doctor, but the doctor did not find any injuries except some small abrasions.

5. Learned State Counsel would submit that the victim has supported the prosecution case.

6. It is a stage of bail. Much of the discussion is not expected of. Arguments are being appreciated with the caveat that any observation made in this order shall have no bearing at any subsequent stage of the trial, or in any other proceeding.

7. The victim is a young girl aged 15 years. According to the victim, on the date of incident, she was proceeding to meet her mother when the applicant met her; the victim wished the applicant, but according to the victim, the applicant sexually assaulted her, tried to rape her, but somehow she could save herself. The victim has stated about injuries. The doctor found very small abrasions on her. If a person, who had reached at the time of alleged incident has not been examined, what would be its effect that would fall for scrutiny during trial. The victim has been consistent throughout as to what had happened to her.

8. Having considered, this Court is of the view that it is not a case fit for bail. Accordingly, the bail application deserves to be rejected.

9. The bail application is rejected.

(Ravindra Maithani, J)
31.12.2024

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