HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 1501 of 2024

Gaurav .....Applicant

Versus

State of Uttarakhand .....Respondent

Present:-
Mr. Rajendra Arya, Advocate for the applicant.
Ms. Manisha Rana Singh, D.A.G. for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant is in judicial custody in Sessions Trial No.118 of 2023, State Vs. Rohit Negi and Another, pending in the court of Additional Sessions Judge/FTSC (POCSO), Dehradun, arising out of Case Crime No.99 of 2023, under Sections 376D, 323, 504 and 506 IPC, Police Station Cantt., 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 27.06.2023, the victim boarded a Rickshaw. The *Rickshawala* did forcibly *galat kaam* with her.

4. Learned counsel for the applicant would submit that as per the FIR, one person did sexual assault on the victim, whereas, as per the statement of the victim recorded under Section 164 of the Code of Criminal

Procedure, 1973 (“the Code”), two persons had sexually assaulted her; in the medical examination report, no injury was found on the person of the victim.

5. Learned State Counsel would submit that the victim has already been examined in the Court; the victim has supported the prosecution case; in fact, it is the applicant, who had also made a video at the relevant time, and when arrested, the video was detained by the Investigating Officer.

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. It is a case of alleged sexual assault. The FIR has not been lodged by the victim. It has been lodged by the mother of the victim. Immediately, thereafter, when the victim was medically examined, she revealed that two persons committed sexual assaulted on her. That is what she has stated in her statement recorded under Section 164 of the Code. The victim has already been examined in the court. She has supported the prosecution case.

8. Having considered, this Court does not see any reason, which may entitle the applicant to bail. Accordingly, the bail application deserves to be rejected.

9. The bail application is rejected.

(Ravindra Maithani, J.)
18.12.2024

Ravi Bisht