HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No.2771 of 2022

Bharat Singh Rawat .....Applicant

Versus

State of Uttarakhand .....Respondent

Present:-

Ms. Suraiya Naaz, Advocte, holding brief of Mr. Lalit Sharma, 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 FIR No. 290 of 2021, under Section 363, 366, 376, 506 IPC, Section 5/6, 16/17 of the Protection of Children From Sexual Offences Act, 2012 and Section 25 (1B) (a) of the Arms Act, 1959, Police Station Sitarganj, District Udham Singh Nagar. He has sought his release on bail.

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

3. According to the FIR, on 11.09.2021, the victim a young of 15 years had left her home for school, but she did not reach school. When the mother of the victim, telephoned the applicant, who was brother in relation, according to the FIR, the applicant told that he had lifted the victim and he would marry her.

4. Learned counsel for the applicant would submit that there are grave contradictions in the statements of the victim. The victim was a consensual party.

5. Learned State counsel would submit that the victim has already been examined as PW1 at trial. She has supported the prosecution case. The applicant was after her. He had raped her on multiple occasions. The victim is a minor. She was recovered from the possession of the applicant.

6. It is the 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 proceedings.

7. As per the FIR, the applicant had taken the victim a young girl alongwith him. The victim has already been examined at trial. She has stated that the applicant who happens to be her maternal uncle raped her on multiple occasions. On 11.09.2021, he took her along with him on the gunpoint. The victim states that she was recovered from the applicant by the police.

8. Having considered the entirety of facts, this Court is of the view that there is no ground to enlarge the applicant on bail. Accordingly, the bail application deserves to be rejected.

9. The bail application is rejected.

(Ravindra Maithani, J)
12.12.2024

Jitendra