2025:UHC:10800

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No.1376 of 2025

4th December, 2025

Monish @ Mota --Applicant

Versus

State of Uttarakhand --Respondent

Presence:-
Mr. V. V. Singh, learned counsel holding brief of Ms. Prabha Naithani, learned counsel for the applicant.
Mr. Tumul Nainwal, learned AGA for the State.

Hon'ble Alok Mahra, J.

Applicant Monish @ Mota, who is in judicial custody in connection with Case Crime/FIR No. 648 of 2024, under Sections 137(2), 65(1), 351(3) of B.N.S. and Sections 3(A)/4(ii), 5(1)/6 of POCSO Act, registered at P.S. Bhagwanpur, District Haridwar, has sought his release on bail.

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

3. As per the prosecution story, an FIR was lodged on 16.08.2024 by the father of the victim alleging that on 14.08.2024, at around 8:00 a.m., he had taken his wife to the doctor, leaving his daughter, aged about 13 years, alone at home. Taking advantage of the

situation, the applicant allegedly entered the house and lured the victim. When the complainant returned home, he could not find his daughter. His son-in-law also joined in searching for her. After some time, the son-in-law allegedly saw the applicant along with some other boys leaving the victim. On being questioned, the victim disclosed that the applicant had raped her and had threatened her.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the matter; that the victim was medically examined on 16.08.2024, and in the statement given before the Doctor, the victim stated that she had been in a relationship with the applicant for the last three years and during this period they had physical relations; that after returning from Roorkee to Piran Kaliyar, the applicant hired an auto-rickshaw for the victim to reach her house; that in her statements recorded under Sections 161 and 164 Cr.P.C., as well as in her deposition as PW1, she has denied that any physical relations were made by the applicant with her.

5. Learned counsel for the applicant has further submitted that as per the school leaving certificate, the victim was about 16 years of age at the time of the

incident, and that the applicant is in judicial custody since 29.08.2024.

6. Learned State Counsel has vehemently opposed the bail application; however, he submits that at the time of the incident, the victim was about 16 years old, while the accused was 25 years of age.

7. In view of the above, but, without expressing any opinion about merits of the case before the Trial Court, this Court is of the view that this is a fit case for bail.

8. The bail application is thus, allowed and the applicant is directed to be released on bail on his executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the Court concerned.

(Alok Mahra, J.)
04.12.2025

BS

BALWANT SINGH

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