



2025:UHC:8337

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL
THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA
18th SEPTEMBER, 2025
FIRST BAIL APPLICATION NO. 1725 of 2025

AkashApplicant

Versus

State of UttarakhandRespondent

Counsel for the Applicant : Mr. D.N. Sharma, Advocate and
Ms. Manju Bahuguna, Advocate.

Counsel for the Respondent : Mr. Himanshu Sain, Brief Holder.

Hon'ble Alok Kumar Verma,J.

The applicant – Akash is in judicial custody for the offence punishable under Section 137(2), Section 87 of the Bharatiya Nyaya Sanhita, 2023, Section 3 read with Section 4 and Section 16 read with Section 17 of the Protection of Children from Sexual Offences Act, 2012 in Case Crime No.73 of 2025, registered at Police Station Transit Camp, District Udham Singh Nagar.

2. Heard Mr. D.N. Sharma, learned counsel for the applicant and Mr. Himanshu Sain, learned Brief Holder for the respondent.

3. Mr. D.N. Sharma, Advocate, for the applicant submitted that the alleged victim (PW1) has not supported the case of the prosecution and there is no cogent and reliable evidence against the applicant –



accused. Applicant is in judicial custody since 17.04.2025. He is a permanent resident of District Budaun (Uttar Pradesh), therefore, there is no possibility of his absconding.

4. Mr. Himanshu Sain, Brief Holder, has opposed the bail application orally. However, he conceded that the victim has not supported the case of the prosecution.

5. 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 person in detention during the trial is not punishment. The main purpose is manifestly to secure the attendance of the accused.

6. 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.

7. The Bail Application is allowed.



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8. Let the applicant – Akash 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: 18.09.2025
Pant/