Regular Cause List
Serial No. 06

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case: Bail App No. 136/2026

Sunil Dandotra .....Petitioner(s)

Through: Mr. Gagan Oswal, Advocate.

Vs

UT of J&K& Another. ..... Respondent(s)

Through: Mr. Pawan Dev Singh, Dy. AG.

CORAM: HON'BLE MR. JUSTICE YASH PAUL BOURNEY, JUDGE

ORDER
(03.11.2026)

1. The petitioner, through the medium of the instant bail application under Section 483 of the BNSS, 2023 for grant of bail in challan titled "UT of J&K Vs. Sunil Dandotra alias Kapil Sethi" bearing Sessions Trial No. 153/2025 arising out of FIR No. 116/2025 for the commission of offences punishable under Sections 3 & 4 of the Protection of Children from Sexual Offences Act registered with Police Station Nowabad on 10.08.2025 pending before the court of learned PO Fast Track Court (POCSO), Jammu. He is facing trial on charges of having assaulted sexually and molested a girl child of about seven years age. The trial is currently in the midway and the statements of the victim child, her father and mother stand recorded. However, the statements of the nine other witnesses including doctor and Investigating Officer are yet to be recorded.

2. It has been argued by learned counsel for the petitioner that the bail application of the petitioner has been rejected by the court below in a cavalier manner without proper appreciation of the arguments made at bar and the legal points involved. Highlighting the inherent weaknesses in the prosecution case, much emphasis has been laid on the facts:

(i) That occurrence is alleged to have taken place on 09.06.2025, as recorded in the FIR but victim and her mother both have denied of any such happening of that day.

(ii) That there was no initial allegation of sexual molestation in the FIR and it was added subsequently as an afterthought to aggravate the charges.

(iii) That mother of the victim made no mention of sexual assault in her deposition before the court and she being the first person with whom the victim confided the incident, negates the charge to that extent.

(iv) That petitioner has been behind the bars for more than fifteen months and being a dance teacher of repute has been implicated unnecessarily with oblique motives.

(v) That any further detention of the petitioner would tantamount to pre-trial sentence since there is no possibility of the accused/petitioner fleeing from the course of justice or tempering with the evidence or hampering the trial in any manner. Therefore, the petitioner is entitled to and may be admitted to bail.

3. *Per contra,* there is no formal response from Mr. Pawan Dev Singh, learned Dy. AG nor has he filed any reply to this application despite being given sufficient time and opportunities. However, scanned copies of the record of trial court are made available and the same have been referred to extensively and examined at length to sift and weigh the evidence with respect to the incident involving the sexual assault and molestation of the tender-aged girl child who was taking dance classes from the petitioner, a dance teacher by profession.

4. Heard learned counsel for the petitioner and considered the record of the trial court. The factual narrations, given during the investigation as well as the trial, reveal a bizarre incident of sexual assault and molestation of a female child of hardly seven by none other than her teacher with whom she used to take the evening dance classes. There are allegations that petitioner sucked the tender chest of the child and inserted fingers in her private parts. The matter came to be noticed by the mother of the child while she took the child for bath in the same evening and

noticed the unusual marks on her chest. Fearing of being scolded, the child was hesitant initially but confided with her mother slowly after being comforted which explains why it took her some time to divulge all the details of all that had happened with her which is natural in the such cases. Further, there is hardly anything noticeable in the evidence of the witnesses examined by the prosecution so far which could reflect or give rise to an inference that accusations are factually incorrect or improbable in the circumstances. Rather, all the witnesses including the victim have given the graphic details of the diabolical incident and withstood grueling cross-examination.

5. The argument of the learned counsel for the petitioner that as per the FIR occurrence took place on June 25, 2025 but both victim and her mother have admitted candidly that nothing happened on that day is fallacious since it is only on account of a clerical error during transcription that date has been wrongly shown as 09.06.2025 instead of 09.08.2025 and hence, no inference can be drawn out of it. It is further argued that mother of the victim, with whom she shared the incident at first instance, has made no mention of any sexual assault in her deposition before the trial court. The anxiety and agony of mother in such circumstances and the scar with which the family has to live thenceforth is understandable and hence, even if there are certain omissions on her part while making deposition, it was equally the responsibility of the prosecution as well as defence to seek appropriate clarifications which is not the case. Moreover, the testimony of the victim in such a case who is of so young to understand what it actually meant as well as the consequences thereof reflects the absence of any manipulation and tutoring of the child which is itself enough to establish the culpability. Moreover, there are

allegations of multiple assaults and the family had to visit one police station after the other till late night (1.30 am) and still remained unsuccessful. They could lodge the FIR finally on next day afternoon only in such circumstances their confidence in process of law is certainly shaken. The Trial Court would certainly deal with these questions. The pace at which the trial is proceeding reflects that there is no unreasonable delay or uncertainty about the same being not concluded within a reasonable time. Such a conduct, on the part of a teacher with his student that too of tender age, is abhorrent and not tolerable at all. Therefore, admitting such an accused who is facing such grave charges would not only be detrimental to the interest of prosecution but also pose a serious threat to the lives and safety of many others. Such individuals having beastly traits, need to be isolated and kept away in order to save the society at large from the potential danger they could be.

6. In the backdrop and having taken into account the gravity of the charges, the quality of evidence, there is no reason to differ with the conclusions drawn by the trial court.

7. View thus, petitioner does not deserve to be admitted to bail at this stage and his petition merits dismissal. Instant bail application is **dismissed** accordingly.

(YASH PAUL BOURNEY)
JUDGE

JAMMU
03.11.2026
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HIGH COURT OF JAMMU & KASHMIR AND LADAKH
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Shivalee Khajuria
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I attest to the accuracy and
integrity of this document
Jammu