



2026:UHC:3413

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No.100 of 2026

Anil Kumar @ Bablu

.....Applicant

Vs.

State of Uttarakhand

.....Respondent

Presence: Mr. Shariq Khurshid, learned counsel for the Applicant.

Mr. Chitrarth Kandpal, learned Brief Holder for the State of Uttarakhand.

Hon'ble Ashish Naithani, J (Oral)

The present first bail application has been preferred by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking his enlargement on bail during the pendency of trial in connection with FIR No.188 of 2025, registered for offences punishable under Sections 351(2) and 65(2) of the Bharatiya Nyaya Sanhita and Section 5/6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Transit Camp, District Udham Singh Nagar.

2. As per the State's case, the FIR came to be lodged by the mother of the minor victim alleging that the applicant, who was residing in the neighbourhood, committed sexual assault upon her minor daughter. It is alleged that on the relevant date, when the informant had gone out for work, the applicant took advantage of the situation and subjected the minor victim to inappropriate sexual acts.

3. The victim is stated to have disclosed the incident to her mother upon her return, whereafter the present FIR was lodged. The allegations

further indicate that the applicant had threatened the victim with dire consequences in case she disclosed the incident to anyone.

4. During the course of investigation, statements of the victim and other witnesses were recorded, and the victim was medically examined. The age of the victim has been indicated to be below 18 years on the basis of school records. Upon completion of investigation, charge-sheet has been submitted against the applicant for the aforesaid offences, and the trial is stated to be in progress. The applicant is in judicial custody since 27.06.2025.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. It is contended that there is delay in lodging of the FIR and no satisfactory explanation has been furnished for such delay.

6. It is further argued that the medical examination of the victim does not reveal any external injury and that there existed a dispute between the families regarding tenancy, which has resulted in false implication of the applicant. It is also submitted that the applicant has no criminal antecedents and there is no likelihood of misuse of liberty in case he is enlarged on bail.

7. Per contra, learned counsel for the State has opposed the bail application and submits that the victim is a minor and has consistently supported the State's case. It is argued that in her statements recorded during investigation as well as before the Court, the victim has clearly and categorically described the role of the applicant.

8. It is further submitted that the allegations are grave in nature and attract stringent provisions of the POCSO Act. The investigation has already culminated in submission of charge-sheet and the trial is underway, therefore, no ground for bail is made out.

9. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the victim in the present case is a minor and her age stands duly supported from the school records collected during investigation. The allegations levelled against the applicant pertain to sexual assault upon a minor child and are of serious and grave nature, attracting stringent provisions of the POCSO Act.

10. The statements of the victim recorded during the course of investigation, as well as her deposition before the Court, prima facie indicate consistent attribution of role to the applicant. At this stage, such statements cannot be brushed aside or disbelieved, particularly when the victim has supported the prosecution version in material particulars.

11. The contention raised on behalf of the applicant regarding delay in lodging of the FIR does not persuade this Court to take a different view, inasmuch as in cases of sexual offences involving minor victims, delay by itself is not fatal to the State and is often attributable to social and psychological factors.

12. Similarly, the absence of external injuries in the medical report cannot be construed to be decisive, as it is well settled that in cases of sexual assault, particularly involving minors, lack of physical injury does not necessarily negate the occurrence of the offence.

13. The plea of false implication on account of alleged tenancy dispute also does not find prima facie substantiation from the material available on record at this stage.

14. It is also not in dispute that the investigation has been completed and charge-sheet has been filed against the applicant, and the trial is presently in progress. Considering the nature and gravity of accusations, the severity of punishment prescribed, and the material collected during investigation, this Court is of the considered view that the applicant does not deserve to be enlarged on bail at this stage.

15. Without expressing any opinion on the merits of the case, this Court does not find it to be a fit case for grant of bail.

16. Accordingly, the present bail application stands **rejected**.

(Ashish Naithani, J.)

28.04.2026

Arti