SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			UKHC010049452026 **BA1/482/2026** Aakash Pujari --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Arvind Vashistha, Sr. Advocate, assisted by Mr. Siddhant Tiwari, Advocate for the applicant. 2. Mr. Rakesh Joshi, A.G.A. for the State. 3. Ms. Nisha Dhami, legal-aid-counsel for the complainant. 4. The applicant, who is in judicial custody in connection with FIR/Case Crime No. 0040 of 2025, under Sections 64(1), 115(2), 137(2) and 351(3) of BNS and Section 3/4 of POCSO Act, registered at P.S.-Karnaprayag, District Chamoli, has sought his release on bail. 5. In this case, complainant herself lodged a complaint, in which, it was alleged that applicant took the complainant on a motorcycle to a hotel and sexually assaulted her and thereafter threatened her of dire consequences and left her in a vacant place. After investigation, chargesheet was filed and statement of the victim was recorded under Sections 180 and 183 of BNSS. 6. Learned counsel for the applicant would submit that applicant and the victim came to know each other through Instagram in the month of May, 2025. To support his case, learned Senior Counsel has relied upon instagram's chats

			whereby applicant was repeatedly messaging her about the genuineness of her I.D. because the applicant had a serious doubt about the chats and the I.D., therefore, he asked her about her particulars, about her father and mother, about her caste and work, etc.; that complainant has been examined as PW1 before the Court itself; that as per the complainant, her date of birth as recorded in the matriculation certificate is 31.01.2009 and as such on the date of the incident, she was 16 years of age. Learned Senior Counsel further submits that ossification test of the complainant was also conducted and as per the opinion of the doctors, the age of the complainant was 18 years plus/minus one year and thus in the opinion of the doctor, her age was 16-18 years; that the prosecution story is hard to believe inasmuch as the hotel in which the applicant had committed rape upon her, CCTV footages of that hotel, were evaluated in which it was found that applicant entered the hotel wearing the helmet at 20:38 hours and the complaint is also seen in that CCTV; that thereafter applicant is seen coming out of the hotel room at around 22:58 hours and thereafter the complainant is also seen coming outside the hotel and leaving the hotel room and then sitting in the motorcycle of the applicant; that in the entire CCTV footage, complainant is not seen in position of distress or neither she was seen raising any kind of alarm; that the distance of the house of the complainant and the hotel is about 8 Kms and in between there is a market, but, complainant did not raise any alarm while accompanying the applicant; that her statement has been recorded and thus there is no chance of tampering with the evidence or influencing the witnesses. 7. Learned State Counsel as well as learned legal-aid counsel for the complainant, on the other hand, vehemently opposed the bail application. 8. Heard learned counsel for the parties and

perused the records.

9. Having considered the submissions, under the facts and circumstances of the case and also considering the fact that applicant did not raise any alarm when she left the hotel accompanying the applicant and also considering the fact that as per the ossification test, the age of the victim, as per the opinion of the doctors was 18 years plus/minus one year, this Court is of the view that it is a case fit for bail and the applicant deserves to be enlarged on bail.

10. The bail application is allowed.

11. Let the applicant be released on bail, on executing personal bond and furnishing two reliable sureties, each of like amount, to the satisfaction of Court concerned, subject the following conditions:-

> "i) The applicant shall attend the trial Court regularly, and, he will not seek any unnecessary adjournment.
>
> ii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case.
>
> iii) The applicant shall not leave India without any prior permission of the trial Court."

12. It is clarified that if the applicant misuses or violates any of the conditions, imposed upon him, the prosecution will be free to move the court for cancellation of bail.

(Alok Mahra J.)
04.11.2026

Ujjwal