SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/755/2026 Jitendra Kumar --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Raja Rastogi, learned counsel for the applicant. 2. Ms. Meenakshi Sharma and Mr. Himanshu Sain, Brief Holders for the State. 3. Applicant- Jitenda Kumar, who is in judicial custody in connection with Case Crime/F.I.R. No. 0062 of 2025 registered at Police Station-Selaqui, District Dehradun for the offences punishable under Sections 115, 351(2), 352 of the B.N.S. and Section 5(m)/6 of the Protection of Children from Sexual Offences Act, 2012. 4. Heard learned counsel for the parties and perused the material available on record. 5. Learned counsel for the applicant would submit that, as per the prosecution case, the applicant allegedly sexually assaulted his minor son, i.e., the victim, and when the complainant attempted to apprehend the applicant, he abused and pushed the complainant before fleeing from the spot. He would further submit that the

			applicant has been falsely implicated in the present case. It is contended that there are material contradictions in the statements of the victim recorded before the court below on 17.06.2025 and 10.10.2025; that, in his statement dated 17.06.2025, the victim stated that the applicant had sexually assaulted him in a room situated in his father's dairy and fled when his father, i.e., the complainant, reached the spot, however, in his subsequent statement dated 10.10.2025, the victim stated that only his father and mother were present and no other person was present at the place of the incident; that, there are contradictions in the statements of the victim's father and mother. 6. Learned counsel would further submit that the medical examination of the victim was conducted after a delay of eight days from the date of the alleged incident; that, no independent person was present at the spot and that the clothes worn by the victim at the time of the alleged incident were not handed over to the police. He would further submit that the applicant has been in judicial custody since 07.06.2025 and that the trial is not likely to conclude in the near future, therefore, the applicant is entitled for bail. 7. Per contra, learned State counsel would vehemently oppose the prayer for bail. She would submit that the victim is a minor aged about four years and, therefore, the alleged contradictions in his statements ought to be considered

			in the light of his tender age. She would further submit that the DNA examination conducted during the investigation has established a match between the DNA profile obtained from the exhibits collected from the place of the incident and the blood sample of the applicant; that, the exhibits included the mattress cover and pieces of cloth collected from the spot, which were marked as Exhibits 3, 4, 5 and 6. As per the DNA examination report, the DNA profiles obtained from the aforesaid exhibits were found to be consistent with a single male human source and matched the DNA profile obtained from the applicant's blood sample. 8. She would further submit that the DNA profile obtained from the anal slide of the victim also matched the applicant's DNA profile. Accordingly, learned State counsel submits that, in view of the scientific evidence available on record, the applicant is not entitled to bail. 9. Having considered the rival submissions advanced by learned counsel for the parties and upon perusal of the material available on record, this Court finds that the victim is a minor aged about four years and that the prosecution relies upon the DNA examination report, which, as submitted by learned State counsel, indicates a match between the DNA profiles obtained from the relevant exhibits and the blood sample of the applicant. At this stage, the aforesaid scientific evidence weighs against the

applicant's prayer for bail.

9. Having regard to the facts and circumstances of the case, particularly the nature of the allegations and the scientific evidence relied upon by the prosecution, this Court is of the view that the applicant has failed to make out a case for bail at this stage. Accordingly, the first bail application is rejected. It is, however, clarified that the observations made herein are confined to the adjudication of the present bail application and shall not be construed as an expression of opinion on the merits of the case.

10. The report of the F.S.L. is taken on record. Registry is directed to paginate the same, as per record.

(Alok Mahra J.)
26.10.2026

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Digitally signed by MAMTA RANI
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