SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/916/2026 Bhagwat Sharan --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Manoj Bhatt, learned legal counsel for the applicant. 2. Mr. Chitrarth Kandpal, learned Brief Holder for the State. 3. Applicant-Bhagwat Sharan, who is in judicial custody in connection with Case Crime/F.I.R. No. 0033 of 2025 (Special Sessions Trial No.160 of 2025) for the offences punishable under Sections 137(2), 64, 87 of B.N.S. and Sections 5/6 of the Protection of Children from Sexual Offence Act, 2012 registered at Police Station-Kichha, District Udham Singh Nagar has sought his release on bail. 4. Heard learned counsel for the parties and perused the material available on record. 5. Learned counsel for the applicant would submit that initially, a missing report was lodged by the mother of the victim on 31.01.2025, alleging therein

			that her daughter, aged about 14 years, had been missing since the previous night and that, despite a search being conducted, she could not be traced. He would further submit that, during the course of investigation, the victim was found in the company of the applicant and, upon completion of the investigation, the charge-sheet has been submitted against the applicant for the offences punishable under the aforesaid Sections. 6. He would further submit that the applicant is innocent and has falsely been implicated in the present case; that, there is no eye-witness to the alleged incident; that, the prosecution witnesses have not fully supported the prosecution case; and that, there are material contradictions in the statements of the victim and the complainant; that, in her statement recorded under Section 180 of the B.N.S.S., the victim has stated that physical relations between her and the applicant were established with her consent, therefore, the relationship was consensual. 7. He would also submit that the applicant has been languishing in jail since 10.02.2025; that, he is the sole breadwinner of his family; that, he has not been named in the F.I.R.; and that, since the charge-sheet has already been filed, there is no likelihood of his

			absconding or tampering with the prosecution evidence; that, the trial is likely to take considerable time to reach its logical conclusion. On these grounds, he prays that the applicant be enlarged on bail. 8. Per contra, learned State counsel would vehemently oppose the bail application, contending that the applicant is accused of committing a heinous offence against a minor girl. He would further submit that, as per the date of birth recorded in the school records, the victim was only 12 years of age at the time of the alleged incident, therefore, being a minor, her consent, even if alleged, is wholly immaterial in the eyes of law and cannot be relied upon to claim that the relationship was consensual. 9. Heard learned counsel for the parties and perused the material available on record. 10. Having considered the submissions advanced by learned counsel for the parties and upon perusal of the material available on record, this Court finds that the victim was admittedly a minor at the time of the alleged incident and as per the school records, her age was recorded as 12 years. Therefore, even if the victim, in her statement recorded under Section 180 of the B.N.S., has stated that physical relations were established

			with her consent, such consent is of no legal consequence, having regard to her age. The contention of learned counsel for the applicant regarding the consensual nature of the relationship, therefore, cannot be accepted at this stage. 11. Accordingly, having regard to the nature and gravity of the allegations, the age of the victim and the material available on record, this Court is not inclined to enlarge the applicant on bail. 12. Hence, the bail application stands rejected. **(Alok Mahra, J.)** 18.11.2026 Mamta