SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/1082/2026 Sonu Kumar .....Applicant **Versus** State Of Uttarakhand .....Respondent **Hon'ble Alok Mahra, J.** Mr. Abhishek Joshi, learned counsel for the applicant. 2. Mr. Akshay Latwal and Mr. Prabhat Kandpal, learned A.G.A. along with Mr. Manoj Bhatt, learned Brief Holder for the State. 3. Applicant- Sonu Kumar, who is in judicial custody in connection with Case Crime/F.I.R. No. 0064 of 2026 registered at Police Station-Lalkuan, District Nainital for the offences punishable under Sections 137(2) and 64 (1) of B.N.S. and under Section 5 j(ii)/6 of the Protection of Children from the Sexual Offences 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 father of the victim, alleging that his minor daughter had gone to school on 16.04.2026 but had not returned home. Thereafter, the victim was recovered from the company of the applicant. During the course of

			investigation, Sections 137(2) and 64(1) of the B.N.S., and Sections 5(j)(ii)/6 of the POCSO Act were added against the applicant. 6. Learned counsel would further submit that the applicant is innocent and has falsely been implicated in the present case and has not committed any offence as alleged; that, the applicant is a young boy aged about 22 years, whereas the victim was aged about 17 years and six months at the relevant time, and both were involved in a romantic relationship. He would further submit that although the victim supported the prosecution case in her statement recorded under Section 180 of the B.N.S.S. she categorically stated in her statement recorded under Section 183 B.NS.S. that she and the applicant had been in a love relationship for more than one year, that, her family members were opposed to their relationship, and that she had accompanied the applicant of her own free will; that, the victim was declared hostile during the course of the proceedings. 7. Learned counsel would further submit that the circumstances indicate that the applicant and the victim were in a consensual romantic relationship. He would also submit that the applicant has been languishing in jail since 27.04.2026, has no previous criminal history, and there is no likelihood of his tampering with the prosecution evidence; that, he is a permanent resident of District Nainital and, therefore, there is no likelihood of his absconding; that, on these grounds, learned counsel submits that the applicant deserves

to be enlarged on bail.

8. Per contra, learned State counsel would vehemently oppose the prayer for bail. However, despite ample opportunity having been granted, no counter affidavit has been filed on behalf of the State.

9. Having considered the rival submissions advanced by learned counsel for the parties and upon perusal of the material available on record, it transpires that the victim was aged about 17 years and six months at the relevant time and was studying in Class XII; that, in her statement recorded under Section 183 of the B.N.S.S., she stated that she and the applicant had been in a love relationship for more than one year and that she had accompanied the applicant of her own free will.

10. Accordingly, having regard to the facts and circumstances of the case, the statement of the victim, the period of incarceration undergone by the applicant, and the fact that he has no previous criminal history, without expressing any opinion on the merits of the case, this Court is of the view that the applicant has made out a case for grant of bail.

11. Accordingly, the bail application is allowed.

12. Let the applicant be released on bail upon furnishing a personal bond and two reliable sureties, each in the like amount, to the satisfaction of the court concerned.

(Alok Mahra J.)
28.10.2026

Mamta