SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/1137/2026 Gaurav Kumar --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Deep Chandra Joshi, Mr. Dharmesh Kumar and Mr. Pankaj Semwal, Advocates for the applicant. Mr. Deepak Bisht, Deputy Advocate General for the State of Uttarakhand. 2. This first bail application has been moved by the applicant seeking regular bail in F.I.R. No.03 of 2025 (S.S.T. No.29 of 2025), under Section 137(2), 64(M) of B.N.S. and Section 5(l) read with Section 6 of POCSO Act, registered at Police Station Kotwali Pauri, District Pauri Garhwal. 3. As per the prosecution case, the applicant allegedly committed sexual assault upon the victim and repeatedly subjected her to rape during the evening/ night of 09.10.2025. It is further alleged that, on the following morning, the applicant put the victim on a bus, whereafter she returned to her village, and the F.I.R. was lodged immediately thereafter. 4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and has been languishing in judicial custody

			since 10.10.2025. It is further submitted that the applicant and the victim had been in a relationship for more than one and a half years prior to the alleged incident. Learned counsel contends that the victim was aged about 17 years and 11 months at the time of the alleged incident. It is further argued that the F.I.R. came to be lodged when the victim's family members learnt that she had spent the entire night with the applicant and, consequently, the family members became apprehensive. Learned counsel further submits that, when the victim was taken for medical examination, she declined to undergo the same and, as per the material relied upon by the defence, expressed her intention to marry the applicant upon attaining the legally permissible age for marriage. It is also submitted that, in her statement recorded under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the victim reiterated the stand allegedly taken before the doctor; however, in her subsequent statement recorded under Section 183 of B.N.S.S., she reiterated the allegations contained in the F.I.R. On these grounds, learned counsel submits that the varying statements of the victim, the circumstances surrounding the lodging of the F.I.R., and the period of incarceration already undergone by the applicant entitle him to be enlarged on bail. 5. Per contra, learned State Counsel has vehemently opposed the prayer for bail and submitted that the allegations levelled against the applicant are serious in nature, involving offences under the provisions of the B.N.S.S., 2023, and the POCSO Act. 6. Having considered the submissions advanced by learned counsel for the

			parties and upon perusal of the material available on record, this Court is of the view that the prayer for bail deserves consideration. The Court has taken into account the period of incarceration undergone by the applicant since 10.10.2025, the submissions advanced on his behalf regarding the nature and duration of the relationship between the applicant and the victim, and the circumstances surrounding the lodging of the F.I.R. The Court has also taken note of the submissions concerning the statements attributed to the victim at different stages of the investigation, which are matters to be appreciated in their proper perspective during the course of trial. 7. Accordingly, the bail application is allowed. 8. 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. **(Alok Mahra, J.)** 27.10.2026 *Arpan* ARPAN JAISWAL Digitally signed by ARPAN JAISWAL DN: cn=ARPAN JAISWAL, o=HIGH COURT OF UTTARAKHAND, ou=HIGH COURT OF UTTARAKHAND, postalCode=263001, st=UTTARAKHAND, serialNumber=06DFC17620BEAD3C2 1D0ABD9D454C5159C89B744 635104DF06AADAA5C2CEA66, cn=ARPAN JAISWAL Date: 2026.10.27 18:00:23 +05'30'