SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/1196/2026 Himanshu Tamta --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Ms. Nisha Dhami, learned lega aid counsel for the applicant. 2. Mr. Deepak Bisht, learned Deputy A.G. for the State. 3. Applicant-Himanshu Tamta, who is in judicial custody in connection with Case Crime/F.I.R. No. 0183 of 2024 (Special Sessions Trial No.57 of 2024) for the offences punishable under Sections 65, 351(2) B.N.S.S. and 3/4 of POCSO Act registered at Police Station-Mukhani, District Nainital has sought his release on bail. 4. Heard learned counsel for the parties and perused the material available on record. 5. Learned legal aid counsel for the applicant would submit that the present F.I.R. has been lodged by the mother of the victim, alleging therein that the applicant and other co-accused persons committed sexual assault upon her minor daughter. She would further

			submit that, as per the prosecution case, a *Jagran* was being organised at a temple situated at a distance of approximately 100 kilometres from the victim's residence and, while the victim was returning to her home, the applicant and another co-accused allegedly committed sexual assault upon her on the way. 6. She would further submit that the applicant is innocent and has falsely been implicated in the present case and has not committed the alleged offence. She would contend that the alleged *Jagran* was being organised in the locality and that, according to the prosecution case, the incident allegedly took place on 07.10.2024, whereas the F.I.R. came to be lodged on 14.10.2024, i.e., after a delay of seven days, without there being any plausible explanation for the said delay. 7. Learned legal aid counsel would further submit that the statements of the victim and the complainant, recorded under Section 183 of the BNSS as well as before the Court, contain material contradictions. She would also submit that the medical examination of the victim does not disclose any internal or external injury on her person, which, according to her, raises a doubt regarding the prosecution version. She would further point out that the other co-accused named in the F.I.R. has been exonerated during the course of

			investigation and has not been chargesheeted. 8. Learned legal aid counsel would further submit that the applicant is languishing in judicial custody since 31.10.2024; that, the investigation has been completed and the chargesheet has already been filed; that, therefore, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, particularly when he is a permanent resident of District Nainital. She would further submit that the trial is likely to take considerable time to reach its logical conclusion and, therefore, the applicant deserves to be enlarged on bail. 9. Per contra, learned State counsel would vehemently oppose the prayer for bail. However, he does not dispute the fact that the applicant has been languishing in judicial custody since 31.10.2024. 10. Having heard learned counsel for the parties and upon perusal of the material available on record, without expressing any opinion on the merits of the case, this Court taken into consideration the nature of the allegations, the period of incarceration undergone by the applicant, the fact that the investigation has been concluded and the chargesheet has been filed. Accordingly, the applicant deserves to be enlarged on bail. 11. Accordingly, the bail application is

allowed.

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

(i) The applicants shall not, directly or indirectly, threaten, induce or influence any person acquainted with the facts of the case.

(ii) the applicant shall not tamper with the prosecution evidence or influence any witness.

(iii) the applicant shall cooperate with the investigation and trial and regularly appear before the Trial Court, unless exempted.

(v) the applicant shall not leave India without prior permission of the Court concerned.

(vi) They shall furnish their current residential addresses and mobile numbers to the Investigating Officer/Court concerned and promptly intimate any change therein.

13. In case of breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of bail granted to the applicant.

MAMTA RANI

(Alok Mahra, J.)
17.11.2026

Mamta

Digitally signed by MAMTA RANI
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