SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/1237/2026 Manjeet --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Reituparna Joshi, learned counsel holding brief of Mr. Nivesh Bahuguna, learned counsel for the applicant. Mr. Vipul Painuli, learned A.G.A. for the State of Uttarakhand. 2. The present bail application has been moved by the applicant, who is in judicial custody in connection with Case Crime/FIR No. 02 of 2023, registered at Police Station Kempty, Tehri Garhwal, for the offences punishable under Sections 137(2), 65(1) and 96 of the Bharatiya Nyaya Sanhita, 2023, and Sections 5(l)/6 of the Protection of Children from Sexual Offences Act, 2012. The aforesaid case is presently pending as Special Sessions Trial No. 19 of 2026 before the learned Special Sessions Judge (POCSO), Tehri Garhwal, District Tehri Garhwal. 3. Heard learned counsel for the applicant and learned State Counsel and perused the material available on record. 4. A missing report was lodged by the brother of the victim, alleging that the victim, aged about 17 years, had been missing from her house since 04.01.2026. 5. During the course of investigation, the victim was recovered from the company of the applicant, whereafter the charge-sheet was submitted. Following her recovery, the victim was medically examined; however, she refused to undergo an internal medical examination.

			6. During the course of trial, the victim was examined as PW-1. In her examination-in-chief, she denied having any physical relationship with the applicant. She further stated that she had been acquainted with the applicant for more than two years, regularly visited his house and had also stayed there with the applicant's family members. 7. Learned counsel for the applicant submits that he has been falsely implicated in the present case and the statement of the victim has already been recorded before the learned Trial Court as PW1, wherein she did not supported the version of the prosecution. 8. Per contra, learned State Counsel has opposed the prayer for bail. 9. 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 has already been examined before the trial court as PW-1. In her examination-in-chief, she has denied having any physical relationship with the applicant. She has further stated that she had been acquainted with the applicant for more than two years and used to regularly visit his house and had also stayed there with his family members. This Court is conscious of the fact that the victim was stated to be about 17 years of age at the relevant time and, therefore, the question of consent, if any, would have to be considered in accordance with the applicable statutory provisions. Nevertheless, at the stage of consideration of the bail application, the testimony of the victim already recorded during trial is a relevant circumstance which cannot be altogether overlooked. The fact that the victim has denied having any physical relationship with the applicant is also a circumstance requiring consideration,

			without entering into a detailed assessment of the evidentiary value or ultimate effect of her testimony. 10. Having regard to the nature of the allegations, the statement of the victim recorded during trial, the stage of the proceedings and the overall facts and circumstances of the case, this Court is of the considered view that the applicant has made out a case for grant of bail. 11. Accordingly, without expressing any opinion on the merits of the case or the ultimate outcome of the trial, this Court is inclined to enlarge the applicant on bail. 12. The bail application is, accordingly, allowed. 13. Let the applicant be released on bail upon executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the Court concerned, subject to the following conditions: (i) The applicant shall regularly attend the proceedings before the trial court and shall not seek any unnecessary adjournment. (ii) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to the Court or to any police officer. (iii) The applicant shall not leave India without prior permission of the trial court. 12. It is clarified that, in the event of misuse of the liberty of bail or violation of any of the conditions imposed hereinabove, the complainant/informant shall be at liberty to move an appropriate application before the competent court seeking cancellation of the applicant's bail. **(Alok Mahra, J.)** 04-11-2026 SB