SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/1305/2026 Pushpendra Kumar --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Mohit Kumar Kashyap, Advocate for the applicant. Mr. Manoj Bhatt, Brief Holder for the State of Uttarakhand. 2. This first bail application has been moved by the applicant seeking regular bail in Special Sessions Trial No.223 of 2026 (F.I.R. No.56 of 2026), under Section 137(2), 87, 64(1) of B.N.S., 2023 and Section 5/6 of POCSO Act, registered at Police Station Jaspur, District Udham Singh Nagar. 3. As per the prosecution case, a missing report was lodged by the father of the victim. Subsequently, after six days of lodging the missing report, the victim was recovered from the residence of the applicant at Haridwar. 4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and has no criminal antecedents. It is further submitted that the applicant has been languishing in judicial custody since 14.02.2026. Drawing the attention of the Court to the statements of the victim recorded under Sections 180 and 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, as well as her statement recorded before the trial Court as P.W.1, learned counsel submits that the victim has stated that she had left her parental home at Rampur of her own volition and had gone to the residence of the applicant at Haridwar. It is further submitted that, according to the victim's statement, upon coming to know that she had left her parental home without informing her parents, the applicant insisted that she return to her parental home. Learned counsel further submits that the medical examination of the victim did not reveal any external injury marks and

that, at the time of the alleged incident, the victim was aged approximately 17 years and 8 months. On these grounds, it is contended that the statements made by the victim during the course of investigation and before the trial Court raise issues which require consideration during trial and do not fully support the prosecution version. Learned counsel, therefore, prays that the applicant be enlarged on bail.

5. Per contra, learned State Counsel has vehemently opposed the prayer for bail, having regard to the nature and gravity of the allegations and the fact that the victim was a minor at the relevant time.

6. 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 applicant has been in judicial custody since 14.02.2026. The victim's statements, as referred to by learned counsel for the applicant, indicate that she had left her parental home and gone to the applicant's residence. The submission that the applicant had asked the victim to return to her parental home also merits consideration at this stage. Further, the medical report, as pointed out by learned counsel for the applicant, does not disclose any external injury marks. The victim's age, as stated to be approximately 17 years and 8 months at the relevant time, is also a circumstance placed before this Court for consideration.

7. Having regard to the overall facts and circumstances of the case, particularly the applicant's period of incarceration, absence of criminal antecedents and the nature of the material brought to the Court's notice concerning the victim's statements, this Court is of the view that the applicant's further detention in judicial custody is not warranted at this stage.

8. Accordingly, the bail application is allowed.

9. 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.)
28.10.2026

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ARPAN JAISWAL

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