SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			UKHC010145392026 **BA1/1415/2026** Rihan --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Raj Kumar Singh, Advocate for the applicant. 2. Mr. Rakesh Joshi, A.G.A. for the State. 3. The applicant, who is in judicial custody in connection with FIR/Case Crime No. 146 of 2026, under Sections 137(2), 87 and 64(1) of BNS and Section 3(a)/4 of POCSO Act, registered at P.S.- Rishikesh, District Dehradun, has sought his release on bail. 4. In this case, an FIR was lodged by father of the victim, in which, it was alleged that his daughter, who was a minor, went for her computer class in the evening of 15.04.2026, but, did not return home. It is further alleged that some unknown person has induced their daughter and took her away with him. Thereafter, victim was recovered from the company of the applicant. 5. Learned counsel for the applicant would submit that that both applicant and victim knew each other and were in love relations and the victim in her statements recorded under Sections 180 and 183 of BNSS, has

			submitted that she by her own sweet will went with the applicant as she was tortured by her parents, therefore, she left the house and when she reached Saharanpur, she herself phoned the applicant to take her away with him; that applicant even asked the victim to return to her parental home, but, she refused. On this basis, it is submitted that thus offence under Sections 137(2), 87 and 64(1) of BNS and Section 3(a)/4 of POCSO Act, are not made out in the case. 6. Learned State Counsel, on the other hand, has vehemently opposed the bail application. 7. Heard learned counsel for the parties and perused the records. 8. Insofar as the offences punishable under the provisions of Protection of Children from Sexual Offences Act, 2012 are concerned, it is pertinent to observe that although the provisions of the said statute are stringent in nature, such rigour does not preclude the Court from exercising its discretionary jurisdiction to grant or refuse bail, where the facts and circumstances of the case so warrant, in order to secure the ends of justice. 9. The material on record indicates that the prosecutrix had voluntarily left her parental home and accompanied the applicant of her own volition. It is, no doubt, true that under the purview of the POCSO Act, the prosecutrix is legally a minor; however, the facts of the present case reveal that she was possessed of sufficient understanding, maturity, and discernment to comprehend the nature and consequences of her actions, and that she had voluntarily joined the company of the applicant. 10. It is well settled by a catena of decisions

			of the Hon'ble Supreme Court as well as various High Courts that, in cases involving young offenders and consensual relationships between adolescents, a liberal approach may be warranted at the stage of bail, so as to prevent the regressive and adverse influences of prolonged incarceration and to further the principle of best interest of both the parties involved. 11. Considering the above facts and also considering the fact that victim on her own sweet will went alongwith the applicant, this Court is of the view that it is a case fit for bail and the applicant deserves to be enlarged on bail. 12. The bail application is allowed. 13. 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.)** 31.10.2026 Ujjwal