SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			UKHC010156602026 **BA1/1511/2026** Sonu Kumar @sunny Damdiyal --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Akshay Joshi, Advocate for the applicant. 2. Mr. Minakshi Sharma, Brief Holder for the State. 3. The applicant, who is in judicial custody in connection with FIR/Case Crime No. 123 of 2025, under Sections 64(2)(m), 137(2), 351(3) of BNS read with Section 5(l)/6 of POCSO Act, registered at P.S.- Kotwali Pithoragarh, District Pithoragarh, has sought his release on bail. 4. In this case, an FIR was lodged by brother of the victim, in which, it is alleged that his sister, who was minor, was gone missing and thereafter she was found on 29.09.2025 in the company of the applicant and the complaint sought strict action to be taken against the applicant and his entire family. After investigation, chargesheet was filed in the matter. 5. Learned counsel for the applicant would submit that applicant is 18 years and 6 months of age while victim too is of 16 years and 6 months of age; that both were in love relations for last more than three years 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 to his house and stayed there with the applicant. Learned counsel for the applicant would further submit that victim was medically examined, in which, no sign of forceful sexual assault was found. On this basis, it is submitted that it is a case of adolescent love and thus the offence under Sections 64(2)(m), 137(2), 351(3) of BNS read with Section 5(l)/6 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