SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/1928/2026 Sumit Mishra ……...Applicant **Versus** State Of Uttarakhand ……..Respondent **Hon'ble Alok Mahra, J.** Mr. Gaurav Pawar, learned counsel for the applicant. 2. Mr. V.S. Pal, learned A.G.A. for the State. 3. Applicant-Sumit Mishra, who is in judicial custody in connection with Case Crime/F.I.R. No. 0018 of 2026 for the offences punishable under Sections 5(j)(ii)/6 of POCSO Act and Section 64(1) of B.N.S. registered at Police Station-Champawat, District Champawat (Special Session Trial No.63 of 2026 before the Special Sessions Judge (POCSO) Act/Sessions Judge, Champawat, District Champawat, has sought his release on bail. 4. Heard learned counsel for the parties and perused the material available on record. 5. Learned counsel for the applicant would submit that initially, the father of the victim lodged an F.I.R. against the applicant, alleging therein that the applicant had forcefully established physical relations with his minor daughter. He would further submit that, after completion of the investigation, the Investigating Officer submitted the charge-sheet against the applicant. It is contended

			that the applicant is innocent and has falsely been implicated in the present case. 6. Learned counsel would further submit that the statement of the victim has been recorded before the trial court as PW-2, wherein she has categorically stated that she and the applicant were in a love relationship and that the physical relationship between them was consensual and without any threat, force or coercion. It is further contended that both the applicant and the victim were working in the same establishment and, during that period, they developed a love relationship. 7. Learned counsel would further submit that although the age of the victim, as recorded in her school records, is stated to be 17 years at the time of the alleged incident, the actual age of the victim was more than 17 years. In this regard, he would draw the attention of the Court to the statement of the mother of the victim, wherein she has stated that the date of birth of her daughter was deliberately recorded as two years less than her actual age. He would further submit that the said statement finds support from the fact that the victim was pursuing her B.Sc. (Fifth Semester) at the relevant time. 8. Learned counsel would also submit that the applicant is languishing in judicial custody since 05.06.2026; that the charge-sheet has already been submitted and, therefore, there is no likelihood of the applicant tampering with the prosecution evidence or influencing the witnesses; and that the trial is likely to take considerable time to reach its logical conclusion; that,

			the applicant is a young person aged about 26 years and that his continued incarceration for an indefinite period would adversely affect his future. On these grounds, learned counsel prays that the applicant may be enlarged on bail. 8. Per contra, learned State counsel would vehemently oppose the prayer for bail. However, he does not dispute the fact that, in her statement recorded before the trial court, the victim has stated that she and the applicant were in a love relationship and that their physical relationship was consensual in nature and that the applicant is in judicial custody since 05.06.2026. 9. Having considered the rival submissions advanced by learned counsel for the parties and upon perusal of the material available on record, this Court finds that the victim, in her statement recorded before the trial court, has stated that she and the applicant were in a love relationship. Further, the statement of the mother of the victim, as referred to by learned counsel for the applicant, raises a question regarding the correctness of the date of birth recorded in the school records of the victim. However, the question of determination of the actual age of the victim, as well as the evidentiary value of the statements made by the victim and her mother, are matters to be examined and adjudicated upon by the trial court during the course of trial. 10. Having regard to the overall facts and circumstances of the case, particularly the period of incarceration undergone by the

applicant, the filing of the charge-sheet and the statement of the victim recorded before the trial court, without expressing any opinion on the merits of the case, this Court is of the considered view that the applicant has made out a case for grant of bail.

11. Accordingly, the bail application is allowed.

12. Let the applicant be released on bail on 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 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.

(ii) The applicant shall not tamper with the prosecution evidence.

(iii) The applicant shall not commit any offence while on bail.

(iv) The applicant shall regularly attend the trial court on each and every date fixed, unless his personal appearance is specifically exempted by the trial court.

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.

(Alok Mahra, J.)
16.11.2026

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Digitally signed by MAMTA RANI
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