SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/1940/2026 Sushil Yadav --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Ms. Suraiya Naaz, learned legal aid counsel for the applicant. 2. Mr. V.S. Pal and Mr. Pradeep Lohani, learned A.G.A. for the State. 3. Applicant-Sushil Yadav, who is in judicial custody in connection with Case Crime/F.I.R. No. 02 of 2026 for the offences punishable under Sections 137(2), 87 of B.N.S. registered at Police Station-Pauri, Patti-Paidul Syun 3, Tehsil Pauri District Pauri Garhwal has sought his release on bail. 4. Heard learned counsel for the parties and perused the material available on record. 5. Learned legal aid counsel for the applicant would submit that initially, the father of the victim lodged a missing report on 01.09.2026, alleging therein that his daughter, aged about 16 years, had left for school but had not returned home; that, during the course of investigation, the victim was recovered from the company of the applicant at Noida and, after completion of the investigation, the charge-sheet has been submitted only

			under Section 137(2) of the B.N.S. 6. Learned legal aid counsel would further submit that the statement of the victim was recorded under Section 183 of B.N.S.S., wherein she categorically stated that she had gone to Delhi of her own free will and that the applicant had neither forced nor compelled her to accompany him. She had further stated that she had gone to Delhi/Noida with the intention of seeking employment and providing financial support to her family and no force or coercion was allegedly exercised upon her by the applicant or any other person. She has also not levelled any allegation of having been subjected to physical relations by the applicant. 7. Learned legal aid counsel would further submit that the applicant is innocent and has falsely been implicated in the present case; that, he is languishing in judicial custody since 09.09.2026; that, he has no concern with the alleged disappearance of the victim and has not committed the offence as alleged. She would further submit that the investigation has been completed and the charge-sheet has already been filed; hence, there is no likelihood of the applicant tampering with the prosecution evidence or influencing the witnesses. It is also contended that the trial is likely to take considerable time to reach its logical conclusion. The applicant is a young person aged about 25 years, and his continued incarceration for an indefinite period would adversely affect his future. On these grounds, learned legal aid

			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 the statement of the victim has been recorded under Section 183 of the B.N.S.S. and that the applicant is in judicial custody since 09.09.2026. 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, in her statement recorded under Section 183 of the B.N.S.S., the victim has stated that she had gone to Delhi/Noida of her own free will for the purpose of seeking employment and that no force or coercion was exercised upon her by the applicant. However, the question of determination of the actual age of the victim, as well as the evidentiary value and effect of her statement, are matters which are required to be examined and adjudicated upon by the trial court on the basis of the evidence adduced during trial. 10. Having regard to the overall facts and circumstances of the case, particularly the statement of the victim recorded under Section 183 of the B.N.S.S., the nature of the allegations, the fact that the charge-sheet has already been submitted, the period of incarceration undergone by the applicant and the likelihood of the trial taking considerable time to conclude, 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 1st 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.)
17.11.2026

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Digitally signed by MAMTA RANI
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