

**HIGH COURT OF UTTARAKHAND AT NAINITAL****First Bail Application No. 740 of 2026****19 August, 2026**

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--Applicant

Versus

State Of Uttarakhand

--Respondent

Presence:-Mr. Lalit Sharma, Ms. Sangeeta Bhardwaj and Mr. Shubham Bhardwaj,
learned counsel for the applicant.Mrs. Rangoli Purohit, learned A.G.A. for the State.
-----**Hon'ble Mr. Justice Rakesh Thapliyal, J.**

1. The instant bail application is moved on behalf of the applicant

for seeking regular bail in reference to a First Information Report lodged by one Gyan Singh on 28.06.2025 bearing Case Crime No. 0013 of 2025 P.S. Devprayag, District Tehri Garhwal, wherein, the present applicant after investigation is chargesheeted for the offences punishable under sections 137(2), 96 r/w section 64 of BNSS, 2023 r/w section 5(l)/6 of POCSO Act, 2012.

2. As per the prosecution, the informant lodged the FIR on 28.06.2025 against the present applicant alleging that his daughter, who is 19 years old, was proceeded to appear in BA examination at 9:30 AM with her mobile and then the informant called her at 2:00 PM but she did not respond then his another



daughter called her then she picked up the phone and informed that she is at Dehradun then she switched off her mobile and since then she is missing.

3. The FIR was investigated about missing daughter of the informant and after recording the statement of informant and mother of the victim the name of the present applicant came into the light on the basis of which the missing report was converted into regular FIR i.e. Case Crime No. 13 of 2025 and the victim was recovered along with the present applicant at Rishikesh outside Railway Platform and subsequently, the statement of the victim was also recorded, wherein, she stated that she knows the applicant since 2024 and her family resides in a rental accommodation where the present applicant is also residing in the ground floor and since then she was in talking terms and proposed her friendship and then they started chatting with each other on Instagram and in March, 2024 on the pretext of taking her for outing the applicant took the victim in a Jungle and forcibly made physical relations and also threaten not to disclose about this incident and thereafter the applicant took the victim on several places including the hotels and for verifying this the Hotel Manager Shah Khan was also interrogated. The date of birth of the victim is found to be 25.05.2006 and after taking into consideration the age on the first date of the incident the applicant is finally chargesheeted by adding penal section of POCSO Act.

4. On 15.10.2025 since the victim was pregnant she also delivered a baby and thereafter blood sample of the victim was also taken and sent to FSL for DNA matching. As per the statement of the victim recorded under section 183 of BNSS,



2023, it reveals that the victim was not aware about the religion of the applicant who belongs to Muslim Community.

5. Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated and from the contents of the FIR the name of the applicant is nowhere reflected though he is named in the FIR and it appears that only on suspect the applicant is implicated and chargesheeted.

6. It is further argued that the applicant is fully aware about the religion of the present applicant, who belongs to a different religion and as per the date of birth of the victim she was 19 years old on the date of alleged occurrence i.e. 27.06.2025. It is further argued that the victim in her own statement admits that she knows the applicant and are friends and in talking terms through Instagram and she herself go on outing with the applicant, therefore, it cannot be said that physical relation in between both of them was consensual. It is further submitted that the victim in her statement gives the reference of the incident of March, 2024, though the FIR was lodged much later on i.e. on 28.06.2025, which itself reveals that the incident of March, 2024 was deliberately mentioned in order to make out a case under the POCSO Act. Learned counsel further submits that even if the first incident March, 2024 is taken into consideration even at that relevant point of time victim was approximately 17 years 9 months old on the basis of her School Certificate which creates a serious doubt on the victim's age.

7. Apart from this, it is argued that the present applicant is languishing in jail since 28.06.2025 and suffered incarceration of more than 10 months and he has no criminal antecedent and



taking into consideration that the charge-sheet has already been filed the applicant be released on bail.

8. At this juncture, learned counsel for the applicant further argued that the father of victim lodged the complaint when he aware that his daughter is six months pregnant and to protect their dignity a false FIR has been lodged with a concocted story in order to implicate the present applicant.

9. Lastly, learned counsel for the applicant argued that the applicant is a Painter by profession and have deep affection for the victim and is genuinely willing to marry her to legitimize the relationship to secure the future of new born baby from their physical relation.

10. On the other side, learned A.G.A. Mrs. Rangoli Purohit vehemently opposed the bail application by submitting that victim is a school going minor girl whose consent holds no validity under law and the present applicant intentionally suppress his religious identity and trap the minor victim leading to her pregnancy, which aggravates the gravity of offence. On specific instruction, learned A.G.A. submits that the victim and her family inform that victim and her parents are completely unagreeable to any proposal of marriage and want strict action against the applicant. Learned A.G.A. further submits that as per the medical report and the Doctor's statement the minor victim was sexually assaulted by the present applicant and taking into consideration that the offence is heinous that too with a minor girl by concealing the religious identity the applicant does not deserve for bail.

11. This court is carefully considering the rival submissions of learned counsel for the parties. The medical evidence and school



records prima-facie establish that victim was minor at the time of alleged incident and since the applicant is chargesheeted under the POCSO Act, therefore, minor's consent is completely irrelevant in the eyes of law. The plea of romantic relationship and subsequent proposal to marry cannot dilute the statutory protection granted to minor child under the POCSO Act. Furthermore, the prosecution has brought forth the serious allegation regarding the concealment of religious identity to get the trust of minor. Now, considering the age of the victim, medical factum of her pregnancy, the statutory bar on consent under the POCSO Act, this court does not find it a fit case to release the applicant on bail.

12. Accordingly, the bail application of the present applicant is hereby rejected.

13. Any observation as made above will not influence the Trial Court proceeding and the Trial Court is free to proceed with the trial on its own merit.

(Rakesh Thapliyal, J.)

19.08.2026

PR