

HIGH COURT OF UTTARAKHAND AT NAINITAL

Bail Application (IA No.2 of 2025)

In

Criminal Appeal No.47 of 2025

Narendra Singh @ Nari BoraAppellant

Versus

State of UttarakhandRespondent

Present:-

Mr. B. S. Adhikari, Advocate for the appellant.
Ms. Manisha Rana Singh, learned D.A.G. for the State.

Coram:Hon'ble Ravindra Maithani, J.
Hon'ble Siddhartha Sah, J.

Hon'ble Ravindra Maithani, J. (Oral)

Instant appeal is preferred against the judgment and order dated 08.01.2025, passed in Special Session Trial No.13 of 2024, State vs. Narendra Singh @ Nari Bora & Another, by the court of learned Special Sessions Judge (POCSO), District Pithoragarh. By it, the appellant has been convicted under Section 376 AB of IPC and Section 5(l)(m) read with 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and sentenced accordingly. The appellant seeks bail in this appeal.

2. Heard learned counsel for the parties and perused the record.

3. According to the prosecution case, it is a history of a neglected sexually abused young girl child. She was beaten up by her father, who generally used to drink. She has lost her mother. The victim was attending school. When she came to know about one NGO

in an awareness programme, she expressed her willingness to join the NGO, when shifted to the counsellor, she revealed the story of agony and sexual abuse. According to her, the appellant raped her on multiple occasions while she was quite young. She has stated the particular instances as to how the appellant could access her and rape her. Thereafter, the FIR was lodged.

4. Learned counsel for the appellant submits that the basis of FIR is a report of a counsellor. It does not reveal any date, time and month of the incident. Medical evidence does not support the prosecution case because the doctor did not find any old or new injury on the person of the victim. Hence, he submits that this is the case fit for bail.

5. Learned State counsel submits that the victim is consistent. She has revealed the incident to the counsellors, thereafter, the report was lodged. During the investigation, in her statement recorded under Section 164 of Cr.P.C., the victim has been consistent, as also seen during her examination.

6. It is a stage of bail post conviction. Much of the discussion, at this stage, is not expected of. Arguments are being appreciated with the caveat that any observation made in this order shall have no bearing at any subsequent stage of the proceedings and in any other matter.

7. What the victim told the counsellors, she repeated in the court as PW3. Though, she is not specific on the dates but she is specific throughout the instances as to how did they happen and what was the occasion? How the appellant accessed her? In para 6 of her statement, she tells that first time she was raped when she was

studying in Class Vth. Last time, she was studying in Class VIth when rape was committed upon her. While she was examined, she was studying in Class VIIth.

8. Having considered, this Court is of the view that there is no ground to enlarge the appellant on bail. Accordingly, the bail application deserves to be rejected.

9. The bail application is rejected.

10. List this matter on 10.06.2026.

(Siddhartha Sah, J.)
07.04.2026

(Ravindra Maithani, J.)
07.04.2026

Akash