


SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	<p style="text-align: right;">COURT'S OR JUDGE'S ORDERS</p>  <p style="text-align: right;">2026:UHC:2468</p>
			<p><u>BA 1st No.217 of 2026</u> "Shyam Singh @ Kala Vs. State of Uttarakhand"</p> <p><u>Hon'ble Ashish Naithani, J.</u></p> <p>Mr. Deepak Sharma, learned counsel for the Applicant through VC.</p> <p>2. Mr. N.S. Kanyal, learned AGA, for the State of Uttarakhand.</p> <p>3. In the High Court of Uttarakhand, the present case arises from Bail Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail for the Applicant – Shyam Singh @ Kala, who has been accused in Case Crime No.132 of 2025, under Sections 64 (2) (m), 89, 351 (2) of the BNS and under Section 3 (a), 4 (ii), 5(j) (ii), 5 (1), 6 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Khanpur, District Haridwar.</p> <p>4. The ground for consideration of the bail in the present matter as advanced by the learned counsel representing the Applicant is that the Applicant has been falsely implicated in the present matter. It is stated that the Applicant has been implicated with serious allegations of having committed aggravated penetrative assault against the victim girl child, and thereafter, getting her pregnant. However, the Doctor who examined the victim has not corroborated the factum of rape with the minor girl child, which was recorded under Section 180 of the BNSS.</p> <p>5. It has also been argued by the learned counsel for the Applicant that there is a delay of one year in lodging of the FIR. The incident is said to have occurred in the year 2024 while the FIR had been lodged one year later i.e. on 18.05.2025. It is evident as per the documents collected so far regarding the investigation that there is an enmity with the Applicant and the</p>

Complainant regarding the agricultural land subject to sharing of the crops. It is contended that when the Applicant demanded his amount of share of cropping from the Complainant, to avoid the same the Complainant has adopted such foul method of implicating him in the present frivolous case. Further it is said that the cross-examination of the victim is contrary to the statement made by the Medical Officer. It is further said that as per the FIR, Complainant/the mother of the victim has reported that due to the penetrative sexual assault committed by the Applicant on the victim girl child, she got pregnant; whereas Medical Officer who attended her gave the statement under Section 180 of the BNSS that when the victim was brought before her for medical examination, she was under mensural period, this cannot be. It is further stated that the Doctor has not stated whether the family members of the victim got her five months old fetus aborted, and thus, it is pleaded that the Applicant may be enlarged on bail.

6. The bail application has been out rightly opposed on behalf of the learned State Counsel representing the State with the primary contentions that the present matter relates to an aggravating penetrative assault against a minor girl child, whereby the culprit i.e. Applicant got her pregnant and she had five months old fetus when her family members got the fetus aborted. Therefore, it is prayed that the Applicant should not be enlarged on bail as the Applicant may pose threat to the victim and other witnesses.

7. At this juncture, I do not find grounds for bail sufficient. Firstly, the victim in her statement under Section 183 of BNSS, has categorically mentioned that the Applicant inappropriately touched her and held tied and raped her. Further, she stated that

the Applicant threatened her with dire consequences, if she narrates the incident to anyone. She further states that after the incident her mensural period stopped when she got sick then she was taken to the Hospital, where her fetus was aborted.

8. The medico legal history as narrated by the Medical Officer, who attended the victim minor girl child states that the victim narrated the incident to her that the Applicant used to frequently come to her house and he forcefully committed physical relations with her.

9. As per medical history report of the victim it is mentioned that the Applicant committed sexual penetrative assault with the victim more than once. It is further noted that when the Applicant got to know that she got pregnant after the incident, he tried to give her abortion pills.

10. Considering the overall facts and circumstances of the case, this Court is not inclined to enlarge the Applicant on bail. Consequently, the bail application is hereby rejected.

(Ashish Naithani, J.)

06.04.2026

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