


SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	<div style="text-align: right;"> <small>COURT'S OR JUDGES'S</small>  <small>2026:UHC:2543</small> </div>
			<p><u>BA1 No. 243 of 2026</u></p> <p>AmjadApplicant</p> <p style="text-align: center;">Vs.</p> <p>State of UttarakhandRespondent</p> <p><u>Hon'ble Ashish Naithani, J.</u></p> <p>Mr. Pranav Singh, learned counsels for the Applicant.</p> <p>2. Mr. Vipul Painuly, learned A.G.A. for the State of Uttarakhand.</p> <p>3. The present Bail Application has been moved by the Applicant—Amjad, aged about 22 years, S/o Ibrar alias Abrar, R/o Village Khajoori, P.S. Jabhreda, District Haridwar. The Applicant is in judicial custody in connection with FIR/Case Crime No. 251 of 2025, registered at Police Station Jabhreda, District Haridwar, for the offences punishable under Sections 115(2), 127(2), 137(2), 352 and 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023 and Section 5(1)/6 of the POCSO Act.</p> <p>4. Heard Mr. Pranav Singh, learned counsel for the Applicant, and Mr. Vipul Painuly, learned A.G.A. for the State. The record has been perused.</p> <p>5. Learned counsel for the Applicant submits, for consideration of bail, that the Applicant has been falsely implicated in the present matter; that after a proper investigation, the Investigating Officer has submitted the charge-sheet against the Applicant in a very routine and cursory manner, though the victim has stated in her statement that she herself accompanied the Applicant; and as per the medical report, there are no injuries on the body that could associate the Applicant with committing any crime against her, as alleged of sexual assault/penetrative sexual assault. Further, it is stated that the statement of the victim recorded under Section 180 of the B.N.S.S.,</p>

2023 has various contradictions, and from the statement of the victim recorded under Section 183 of the B.N.S.S., 2023, it is evident that the victim does not support the prosecution case and has clearly stated that she is in love with the Applicant, which resulted in their physical relationship. It is further submitted that the co-accused has already been enlarged on bail and, considering parity, the Applicant deserves to be enlarged on bail.

6. As per the prosecution case, there are allegations that the Applicant lured the victim by providing a mobile phone and SIM. It is evident that the victim, of her own consent, took the said mobile phone from the Applicant.

7. Learned counsel for the Applicant further submits that at present, the victim has started blackmailing and threatening the Applicant and his family members, which is part of the General Diary entries. It is clearly stated in GD No. 044 dated 26.12.2025 that one Kalar Ibrar Tyagi, resident of Khajoori, informed the police via mobile phone no. 7417436901 regarding Case Crime No. 251/2025 under Sections 115(2), 127(2), 137(2), 352 and 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023 and Section 5(1)/6 of the POCSO Act.

8. In this case, the concerned victim, aged about 18 years, visited their residence and entered a room and locked the door from inside. The police thereafter went to the said premises and called the brother of the victim and got her out of the room. Upon being asked why she did such a thing, she replied that she wished to stay with Amjad and did not wish to return to her parents' house. It is further reported that the victim was handed over to her brother and they were escorted back home.

9. Pointing out the entry of the GD, whereby it is shown that the victim barged into the house of the Applicant and wished to live

there, makes it clear that the relationship between the Applicant and the victim was consensual and that he has been falsely implicated in the present matter. It is further stated that the victim now poses a threat as per the above GD entry. Further, for consideration of bail, it is pointed out that there are contradictions regarding the place of incident, date of incident, and discrepancies in the statements of the victim. The concerned SIM and mobile phone alleged to have been provided to the victim by the Applicant were clearly given at the request of the victim herself, which she accepted willingly.

10. Learned State Counsel, however, refutes the entire contention advanced by learned counsel for the Applicant, stating that the present matter relates to sexual assault, amounting to forceful aggravated penetrative sexual assault, and that the victim herself has submitted that there was a physical relationship between the Applicant and the victim, and the consent of a minor, in the eyes of law, is no consent. The statement given by the victim clearly indicates that the Applicant-Amjad forcefully covered her mouth, took her inside a room in the house where no one was present, and forcefully established a physical relationship with her; and when she tried to escape, he slapped her on the cheek, resulting in injuries to her cheek and eye. She somehow escaped and reached home, where she was looked after. It is further submitted that the co-accused who has been enlarged on bail had a different role, whereas the main accused is the present Applicant, who sexually exploited the victim by forcefully committing aggravated penetrative sexual assault on her, also confining her in the premises of his house and manhandling her by hitting her on the face.

11. After hearing the rival submissions advanced by learned counsel for the parties and upon perusal of the record, this Court is of the opinion that, at this stage, the contradictions in the statements

of the victim recorded under Section 183 of the B.N.S.S., 2023, along with the General Diary entry reflecting the conduct of the victim, are matters which require deeper scrutiny during trial. Without expressing any opinion on the merits of the case, this Court is of the view that the Applicant has made out a case for grant of bail.

12. Accordingly, the Bail Application is allowed.

13. Let the Applicant be released on bail upon executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the Court concerned.

14. All pending applications, if any, stand disposed of.

(Ashish Naithani, J.)

08.04.2026

Shiksha