

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

**IA No.1 of 2024 For Bail and Suspension of Sentence
Application**

In

Criminal Appeal No. 147 of 2024

Arun Gariya Appellant

Vs.

State of Uttarakhand Respondent

Present:

Mr. S.C. Burman, Advocate for the appellant.

Mr. B.N. Molakhi, D.A.G. for the State of Uttarakhand.

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

Hon'ble Ravindra Maithani, J. (Oral)

The instant appeal has been preferred against judgment and order dated 14.02.2024, passed in Special Sessions Trial No.58 of 2021, State Vs. Arun Gariya, by the court of FTC/Additional Sessions Judge/Special Judge (POCSO), Haldwani, District Nainital. By it, the appellant has been convicted under Sections 363, 366, 323 IPC and Section 5(l)/6 of the Protection of Children from Sexual Offences Act, 2012, and sentenced accordingly.

2. This appeal has already been admitted.

3. List in due course for final hearing.

4. Heard on Bail and Suspension of Sentence Application (IA) No.1 of 2024.

5. According to the FIR, the victim was a student of class XII, when she met the appellant. The appellant came close to her, offered gifts to her, and one day, while spiking her drink, established physical relations with her, and thereafter, continued doing so. The FIR is a long story. It speaks that for 5 years, the appellant kept the victim with him.

6. Learned counsel for the appellant submits that the entire story is false; the appellant is innocent; the victim, in her statement, has stated that the FIR was lodged after due consultation from a lawyer; the FIR is 5 years delayed; during those 5 years, the victim was with the appellant. She did not lodge any report, etc.

7. Learned State Counsel submits that the victim was 15 years of age at the time of incident; the appellant is already married, having a child; the victim has supported the prosecution case.

8. It is a stage of bail post conviction. Much of the discussion is not expected of. The presumption of innocence is not available to the appellant because it is bail post conviction. 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.

9. The victim has been examined during trial. She has stated as to how she was enticed and lured by the appellant; the victim has stated that she was a bright student, but due to intimacy, the appellant spoiled her carrier, and she was with the appellant for 5 years, who already had been married, having a child.

10. Having considered,, this Court does not see any ground, which may entitle the appellant to bail. Accordingly, the bail application deserves to be rejected.

11. The bail application is rejected.

(Siddhartha Sah, J.)

(Ravindra Maithani, J.)

24.02.2026