

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

IA No.6 of 2026 For Short Term Bail 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. J.S. Virk, 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. The appellant has filed Short Term Bail Application, IA No.6 of 2026, on the ground that his mother is suffering with Stage-4 Cancer, and she has been brought home.

2. Heard on Short Term Bail Application, IA No.6 of 2026

3. Learned counsel for the appellant submits that the mother of the appellant has been diagnosed with 4th Stage Cancer, and she has been brought home; the doctor has said that now the mother of the appellant cannot be cured. Therefore, the appellant wants to stay with his mother at the last moment of her life;

4. Learned State Counsel was required to get instructions in the matter. He submits that, in fact, the mother of

the appellant is suffering with Stage-4 Cancer. On 07.04.2025, she was taken back home by her family members. There are other family members in the family of the appellant.

5. Having considered, without advert to the merits of the case, purely on the humanitarian ground, this Court is of the view that the appellant may be enlarged on short term bail for a period of two days from the date of his release.

6. Let the appellant be released on short term bail for a period of two days from the date of his actual release, on his executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the court concerned.

7. It is further directed that on expiry of the period of short term bail, the appellant shall surrender before the court concerned and intimation to that effect shall also be given to this Court.

8. The short term bail application stands disposed of, accordingly.

9. List this matter for final hearing in due course.

(Siddhartha Sah, J.)

(Ravindra Maithani, J.)

08.04.2026