


21. BA] SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	 COURT'S OR JUDGE'S ORDERS 2026:UHC:3593
			<p>BA1 No.506 of 2026 Abhishek Negi Vs. State of Uttarakhand <u>Hon'ble Ashish Naithani, J.</u></p> <p>Mr. Vikas Bahuguna, learned counsel for the Applicant.</p> <p>2. Mr. Chitrarth Kandpal, learned Brief Holder for the State of Uttarakhand.</p> <p>3. The present Bail Application has been moved by the Applicant—Abhishek Negi, S/o Balam Singh, R/o Gram Khanduli, Block Pabo, P.S. Kotwali Pauri, District Pauri Garhwal. The Applicant is in judicial custody in connection with FIR No.0039 of 2025, registered at Police Station Kotwali Pauri, District Pauri Garhwal, for offences punishable under Sections 5(j)(ii)/6 of the Protection of Children from Sexual Offences Act, 2012 and Section 65(1) of the B.N.S., 2023.</p> <p>4. Heard Mr. Vikas Bahuguna, learned counsel for the Applicant, and Mr. Chitrarth Kandpal, learned Brief Holder for the State of Uttarakhand.</p> <p>5. Learned counsel for the Applicant submitted that the Applicant has been falsely implicated and that the FIR has been lodged after an unexplained delay of several months, which clearly reflects that the FIR is an afterthought. It is also submitted that the Applicant is in judicial custody since 04.07.2025 and that the victim/PW-3, in her statement recorded before the learned trial Court, has categorically stated that the physical relations between her and the Applicant were consensual and not forcible. It is further submitted that PW-3 has also stated that such relations were established on more than one occasion and that she has not supported the allegations of force as narrated in the FIR.</p>

		<p>Learned counsel for the Applicant further submitted that there are material contradictions between the FIR version alleging force and the statement of the victim before the Court, which go to the root of the prosecution case and create serious doubt regarding the prosecution story. Furthermore, it is submitted that the age of the victim itself is under serious dispute, as different records reflect conflicting dates of birth.</p> <p>6. Per contra, learned State Counsel vehemently opposed the bail application and submitted that the accused had threatened the victim and warned her not to disclose the incident to anyone. It is further submitted that when the family members of the victim came to know that the victim was pregnant, the FIR was thereafter lodged. Learned State Counsel further submitted that the victim, in her statement, has clearly stated that the present Applicant forcibly established physical relations with her, due to which she became pregnant. It is also contended that the victim is a minor and the allegations are serious in nature and against society at large.</p> <p>7. This Court has considered the rival submissions advanced by learned counsel for the parties and perused the material available on record.</p> <p>8. Having heard rival submissions and upon perusal of the material available on record, this Court finds that the allegations against the Applicant are grave in nature. The victim is stated to be a minor and the allegations pertain to repeated sexual assault resulting in pregnancy. At this stage, this Court does not find any mitigating circumstance warranting the exercise of discretion in favour of the Applicant.</p> <p>9. Considering the nature and gravity of the offence, the severity of punishment prescribed, and the overall facts and circumstances of the case, this Court is not inclined to enlarge the</p>
--	--	--

Applicant on bail at this stage. Furthermore, the possibility of the Applicant influencing witnesses or absconding cannot be ruled out. Accordingly, no case for grant of bail is made out.

10. Accordingly, the Bail Application is rejected.

11. However, it is clarified that any observations made herein are only for the purpose of adjudication of the present bail application and shall not influence the trial on merits.

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

(Ashish Naithani, J.)

07.05.2026

Arti