

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p><b><u>CRLA No. 194 of 2023</u></b>  <b><u>Hon'ble Manoj Kumar Tiwari, J.</u></b>  <b><u>Hon'ble Pankaj Purohit, J.</u></b></p> <p>Mr. Mukul Dangi, learned counsel for appellant.</p> <p>2. Mr. J.S. Virk, learned D.A.G. for the State of Uttarakhand/respondent.</p> <p>3. The appellant/applicant is exempted from filing the affidavit in support of second Bail Application. Exemption Application (IA/5/2025) stands disposed of.</p> <p>4. Appellant is under incarceration on his conviction vide judgment and order dated 14.10.2022 passed by learned Special Judge (POCSO)/Additional Sessions Judge, Dehradun in Special Sessions Trial No.142 of 2019, <i>State Vs. Shyam Singh</i>. By the said order, appellant/applicant has been convicted and sentenced to 03 years r.i. along with fine of Rs.10,000/- under Section 363 IPC; 06 months r.i. under Section 323 IPC and 25 years r.i. along with fine of Rs.50,000/- under Section 5/6 of the Protection of Children From Sexual Offences (POCSO) Act, 2012, with default stipulation of six months. All the sentences were directed to run concurrently.</p> <p>5. Learned counsel for appellant/applicant has moved the Second Bail Application (IA/4/2025) for release of appellant/ applicant on bail.</p> <p>6. Learned counsel for appellant/applicant submits that appellant is languishing in jail since 02.10.2019 and, he has spent more than 06 years under incarceration. He also</p>

submits that the first bail application was rejected by this court vide order dated 28.06.2023.

**7.** It is contended by him that appellant/applicant is the sole bread earner in his family and he has been falsely implicated in this case and further he has no previous criminal antecedents, thus, he deserves to be enlarged on bail.

**8.** Per contra, learned State Counsel vehemently opposed the second bail application stating that there is no new ground taken by the appellant/applicant in the second bail application, he has taken the same ground as taken in first bail application.

**9.** Having heard learned counsel for the parties, we are of the view that since no new ground has been taken by the appellant/applicant in second bail application except long incarceration, we are not impressed by that submission. So far as long incarceration is concerned, the appellant/applicant has yet not completed 50% of the sentence imposed; and further as per the statement of victim, appellant sexually assaulted her repeatedly and DNA report also goes against the appellant, we are not inclined to grant bail to the appellant/applicant at this stage.

**10.** Accordingly, second bail application (IA/4/2025) is rejected.

**11.** List in due course.

**(Pankaj Purohit, J.) (Manoj Kumar Tiwari, J.)**

07.05.2026