

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Bail Application (IA No.1 of 2025)

In

Criminal Appeal No. 272 of 2025

Nitish Nailwal

..... Appellant

Vs.

State of Uttarakhand

.....Respondent

Presence:

Mr. Lalit Sharma, learned counsel for the appellant.

Mr. Siddhartha Bisht, learned AGA for the State.

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 21.03.2025, passed in Special Sessions Trial No.08 of 2022, State Vs. Nitish Nailwal, by the court of Special Judge (S.C./S.T. Act)/Sessions Judge, Nainital. By it, the appellant has been convicted under Sections 376(2)(n) IPC and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, and sentenced accordingly. The appellant seeks bail.

2. On being asked, learned State Counsel, at the outset, gives a statement that the informant has been informed about the hearing of the present bail application.

3. According to the FIR, the appellant physically exploited the victim under the pretext of marriage. On 07.02.2022 he took the victim to Jim Corbett Safari, where he established physical relations with her.

4. Learned counsel for the appellant submits that both the victim and the appellant are major. The victim, in her statement, has submitted that she was in a relationship with the appellant and that their relations were established willingly.

5. This factual narration is not denied by the learned State Counsel.

6. Having considered, this Court is of the view that it is a case in which the execution of sentence should be suspended and the appellant be enlarged on bail.

7. The bail application is allowed.

8. The sentence appealed against is suspended during the pendency of the appeal.

9. The appellant- Nitish Nailwal be released on bail during the pendency of the appeal on his executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the court concerned.

10. List this case for final hearing in due course.

(Siddhartha Sah, J.)
08.04.2026

(Ravindra Maithani, J.)
08.04.2026