

HIGH COURT OF UTTARAKHAND AT NAINITAL

Bail Application (IA No.1 of 2024)

In

Criminal Appeal No.242 of 2024

Sunny KumarAppellant

Versus

State of UttarakhandRespondent

Present:-

Mr. Sachin Kumar Sharma, learned counsel for the appellant.
Mr. Siddhartha Bisht, A.G.A for the State.

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

Hon'ble Ravindra Maithani, J. (Oral)

Instant appeal is preferred against the judgment and order dated 27/28.02.2024, passed in Special Session Trial No.43 of 2023, State vs. Sunny Kumar, by the court of learned Additional Session Judge/F.T.S.C., Roorkee, District Haridwar. By it, the appellant has been convicted and sentenced under Sections 366, 376(2)(n) of IPC and Section 5(n)/6 of Protection of Children from Sexual Offences Act, 2012. The appellant seeks bail in this appeal.

2. Heard learned counsel for the parties and perused the record.

3. Learned counsel for the appellant would submit that the appellant was 23 years of age at the time of the alleged incident. The appellant and the victim both were in a romantic relationship and they solemnized their marriage. The victim has so admitted in her statement recorded during trial.

4. Learned State counsel admits these facts.
5. It is admitted that the victim and the appellant both were in a romantic relationship and during trial, the victim has herself admitted that they have solemnized marriage.
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 execution of sentence appealed against is suspended during the pendency of the appeal.
9. The appellant 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 in due course for final hearing.

(Siddhartha Sah, J.)
19.05.2026

(Ravindra Maithani, J.)
19.05.2026