



2026:UHC:3848

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>BA1 No.1564 of 2025 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Shubham Pandey, Advocate for the applicant. Mr. V.S. Pal, A.G.A. and Mr. Nikhil Bisht, Brief Holder for the State of Uttarakhand.</p> <p>2. This first bail application has been moved by the applicant seeking regular bail in F.I.R. No.0080 of 2025, under Sections 5(m)/6 of POCSO Act and 64(2) of B.N.S., 2023, registered at Police Station Kaladhungi, District Nainital.</p> <p>3. The First Information Report was lodged by the mother of the victim alleging that her husband, who is stepfather of the victim, have sexually assaulted the victim, who is aged about 8 years. The statements of the victim were recorded under Sections 180 and 183 of B.N.S.S. 2023, wherein she supported the prosecution version. She was also medically examined.</p> <p>4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case; that he has no criminal antecedents and is in judicial custody since 31.07.2025. It is further submitted that the F.I.R. has been lodged on false, fabricated and concocted allegations with the ulterior motive of implicating the applicant in a grave offence. Learned counsel contends that there is no cogent or reliable material on record to substantiate the allegations</p>



of sexual assault against the applicant and that the present proceedings have been initiated only with a view to malign his reputation and exert undue pressure upon him. It is further submitted that matrimonial discord between the complainant and her husband has led to the false implication of the applicant in the present case. Learned counsel also submits that the applicant undertakes not to misuse the liberty of bail and shall cooperate with the trial proceedings.

5. Per contra, learned State Counsel vehemently opposed the bail application. It is submitted that the allegations levelled against the applicant are grave and serious in nature, pertaining to the sexual exploitation of a minor victim. Learned counsel submits that the prosecution case is duly corroborated by the statements of the victim recorded under Sections 180 and 183 of the B.N.S.S., wherein she has consistently supported the allegations levelled in the F.I.R. It is further submitted that the victim has also been examined before the trial Court as P.W.-1 and, in her testimony on oath, has reiterated and supported the prosecution version in material particulars. It is, therefore, contended that considering the gravity of the offences alleged, the tender age of the victim, the material collected during the course of investigation, and the statements of the victim and other prosecution witnesses, no ground for grant of bail is made out in favour of the applicant.

6. Heard learned counsel for the parties and perused the record. The allegations pertain to the sexual exploitation of a minor victim, which constitute serious



offences carrying severe punishment. The statements of the victim recorded under Sections 180 and 183 of the B.N.S.S. consistently support the prosecution case. Moreover, the victim, while being examined before the trial Court as P.W.-1, has reiterated the allegations against the applicant on oath and has materially supported the prosecution version. At this stage, there appears to be sufficient prima facie material connecting the applicant with the alleged offence. The plea of false implication on account of matrimonial discord is a matter of trial and cannot be conclusively examined at the stage of consideration of bail. Considering the heinousness of the offence, the age of the victim, and the possibility of influencing witnesses, this Court finds that custodial protection of the applicant is necessary.

7. Considering the nature of accusations, the age of the victim, and the overall facts and circumstances, no ground for grant of bail is made out at this stage.

8. Accordingly, the bail application is rejected.

(Alok Mahra, J.)

19.05.2026

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