

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Bail Application (IA No.2 of 2026)

In

Criminal Jail Appeal No.74 of 2024

DeepuAppellant

Versus

State of UttarakhandRespondent

Present:-

1. Mr. D.S. Mehta, learned counsel for the appellant.
2. Mr. V.S. Rawat, learned A.G.A for the State.

With

Bail Application (IA No.1 of 2026)

In

Criminal Jail Appeal No.40 of 2024

Lalta PrasadAppellant

Versus

State of UttarakhandRespondent

Present:-

1. Mr. D.S. Mehta, learned counsel for the appellant.
2. Mr. V.S. Rawat, learned A.G.A for the State.

Coram:Hon'ble Ravindra Maithani, J.

Hon'ble Siddhartha Sah, J.

Hon'ble Ravindra Maithani, J. (Oral)

These appeals arise from one common judgment and order dated 03/05.08.2024, passed in Special Sessions Trial No. 381 of 2022, State v. Raju and others, hence they are heard together.

2. Instant appeals are preferred against the judgment and order dated 03/05.08.2024, passed in Special Sessions Trial No. 381 of

2022, State v. Raju and others, by the court of F.T.S.C./ Addl. Session Judge Rudrapur, District Udham Singh Nagar. By it, the appellants have been convicted under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 506 of IPC and sentenced accordingly. They seek bail

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

4. According to the FIR, on 06.04.2022 at 08:00 p.m., the victim was dragged by the appellants and another, and the co-convict raped the victim multiple times.

5. Learned counsel for the appellants submits that co-convict Lalta Prasad had been granted bail by this Court, but by that time, the conviction had already been recorded. He further submits that the role of rape has been assigned to co-convict Raju. The statement of the victim, examined as PW-2, is not in consonance with the FIR, inasmuch as according to the FIR, it was co-convict Raju who dragged and raped her, while the appellants were standing at a distance.

6. Learned State Counsel submits that according to PW-2, it is true that co-convict Raju dragged the victim and raped her while the appellants were at a distance. However, when the victim tried to run away, the appellants caught hold of her and handed her over to co-convict Raju. In the meantime, the mother of the victim came to rescue her.

7. Admittedly, no active role of rape has been assigned to the appellants. According to PW-2, initially co-convict Raju dragged the

victim and raped her, and subsequently, when the victim tried to run away to save herself, she was caught hold of by the appellants.

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

9. The bail applications are allowed.

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

11. The appellants – Deepu and Lalta Prasad be released on bail, during the pendency of the appeal, on their executing a personal bond and furnishing two reliable sureties, by each one of them, each of the like amount to the satisfaction of the court concerned.

12. List in due course alongwith connected matters.

(Siddhartha Sah, J.)
19.05.2026

(Ravindra Maithani, J.)
19.05.2026

BS