

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Bail Application (IA No.1 of 2025)

In

Criminal Appeal No. 523 of 2025

Kunal Singh Rana

..... Appellant

Vs.

State of Uttarakhand

.....Respondent

Presence:

Mr. Sachin Veer Singh, learned counsel for the appellant.

Mr. V.S. Rawat, 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 7/8.08.2025, passed in Sessions Trial No.144 of 2022, State Vs. Sandeep Singh @ Sandy and another, by the court of Additional Sessions Judge/FTSC, Rudrapur, District Udham Singh Nagar. By it, the appellant has been convicted under Sections 366, 323, 376D, 506 of IPC and sentenced accordingly. The appellant seeks bail.

2. According to the FIR, on 19.05.2022, between 9:10 PM and 10:30 PM, the victim was outside her house when two persons forcibly took her on a motorcycle and raped her. The appellant is one of the named persons.

3. Learned counsel for the appellant submits that the victim did not know the appellant and, even during the trial, she has not clarified how she could name the appellant as one of the persons who raped her.

4. Learned State Counsel submits that co-convict Sandeep @ Sandy was named by the victim, and the appellant's name became known to the victim at the Police Station.

5. It is a post-conviction bail matter, and the presumption of innocence is not available to the appellant. The discussion shall be made only to the extent of appreciating the arguments made in this bail application, which shall have no bearing in a subsequent stage of this appeal or in any other proceedings.

6. The appellant was not known to the victim, and it is unclear how his name was revealed. Admittedly, there was no Test Identification Parade conducted.

7. 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.

8. The bail application is allowed.

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

10. The appellant- Kunal Singh Rana 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.

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

(Siddhartha Sah, J.)
08.04.2026

(Ravindra Maithani, J.)
08.04.2026