

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

**IA No.1 of 2024 For Bail Application**  
**In**  
**Criminal Appeal No. 602 of 2024**

Dilawar Singh ..... Appellant

Vs.

State of Uttarakhand ..... Respondent

Present:

Ms. Divya Jain, Advocate for the appellant.

Ms. Manisha Rana Singh, D.A.G. for the State of Uttarakhand.

**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 14.08.2024, passed in Special Sessions Trial No.03 of 2019, State Vs. Dilawar Singh, by the court of Additional District and Sessions Judge/FTSC (POCSO), Dehradun. By it, the appellant has been convicted under Section 376 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, and sentenced accordingly.

2. This appeal has already been admitted.

3. List in due course for final hearing.

4. Heard on Bail Application (IA) No.1 of 2024.

5. The victim was staying in a hostel in Dehradun.

The appellant was his local guardian. The FIR records that on 24.03.2018, the appellant took the victim from the hostel and did commit rape with her. He did so on multiple occasions; threatened and beaten up the victim.

6. Learned counsel for the appellant submits that the prosecution has not been able to prove its case beyond reasonable doubt; there is a DNA report, but it cannot be read into evidence because the custody has not been proved; the person, who

collected the blood, has not been examined; according to the hostel register, the victim was taken from hostel on 22.03.2018 and not on 24.03.2018, as stated in the FIR. In addition to it, it is also argued that the appellant is a diabetic patient.

7. Learned State Counsel submits that, in fact, the trial court record reveals that the blood sample was taken in the presence of the court, and the court had forwarded the sample on the same date; the victim has supported the prosecution case, and she has not stated that on a particular date the victim was raped by the appellant, instead, she has stated that over a period of time when the appellant took the victim from the hostel, the appellant raped her.

8. It is a stage of bail post conviction. Much of the discussion is not expected of. Arguments are being appreciated with the caveat that any observation made in this order shall have no bearing at any subsequent stage of the proceedings.

9. The victim has supported the prosecution case that it is the appellant, who took her from the hostel on 24.03.2018, and till 02.05.2018, he committed rape on her on multiple occasions.

10. Learned counsel for the appellant could not indicate even any suggestion to the victim, who has been examined as PW2, with regard to the discrepancy of the date when the victim was taken by the appellant from the hostel. Be it as it may, even the victim has not stated that on a particular date, the act was done. According to her, over a period of time, this act was committed by the appellant.

11. Having considered, this Court does not see any ground, which may entitle the appellant to bail. Accordingly, the bail application deserves to be rejected.

12. The bail application is rejected.

**(Siddhartha Sah, J.)**

**(Ravindra Maithani, J.)**

25.03.2026

Ravi Bisht