



2026:UHC:3540

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.1948 of 2025 <b><u>Hon'ble Alok Mahra, J.</u></b></p> <p>Mr. Amit Kapri, Advocate for the applicant. Mr. Pratiroop Pandey, A.G.A. 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./Case Crime No.461 of 2024, under Sections 137(2), 65(1), 87 of B.N.S. and Section 3(ka)/4(ii) of POCSO Act, registered at Police Station Pathri, District Haridwar.</p> <p>3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and is in judicial custody for a considerable period. It is contended that the statement of the victim recorded under Section 181 reveals that she had voluntarily gone to a temple on the morning of 07.08.2024, where she solemnized marriage with the applicant of her own free will. Thereafter, the applicant took the victim to his house, where his parents accepted her as their daughter-in-law. It is further submitted that on the following day, the victim's father came to the applicant's house and took her back with him. Learned counsel further submits that, subsequently, in her statement recorded under Section 183 as a prosecution witness, the victim narrated an altogether different version of events, alleging that the applicant had forcibly taken her to the temple, compelled her to marry him, and established physical relations with her without her consent. It is argued that the said statements are materially contradictory in nature. It is further submitted that the victim was medically examined immediately after the lodging of the F.I.R., i.e., on the very next day, however, as per the medical examination report, no external or internal injuries were found on her person, nor was there any indication suggestive of forcible sexual assault. Learned counsel for the applicant further submits that the complainant and the victim have already been examined as P.W.-1 and P.W.-2 respectively; therefore, there remains no likelihood of the applicant tampering with the prosecution evidence or influencing the witnesses. It is also submitted that the applicant is a young man aged about 20 years and prolonged incarceration would seriously prejudice and jeopardize his future</p>



		<p>prospects. It is additionally contended that although the age of the victim has been recorded as 16 years in the school records, during the course of her cross-examination she stated her age to be more than 18 years.</p> <p>4. Learned State Counsel vehemently opposed the bail application.</p> <p>5. Considering the submissions advanced by learned counsel for the parties, this Court finds that the statements of the victim recorded under Sections 181 and 183 are materially inconsistent on material particulars. The medical examination report also does not indicate any external or internal injury or signs suggestive of forcible sexual assault. It is further noteworthy that the complainant and the victim have already been examined before the trial Court as P.W.-1 and P.W.-2 respectively; therefore, the possibility of the applicant influencing witnesses or tampering with evidence appears remote. The applicant is in judicial custody for a considerable period and the trial is likely to take time.</p> <p>6. Accordingly, without expressing any opinion on the ultimate merits of the matter, this Court is of the considered view that the applicant has made out a case for grant of bail at this stage. The bail application is allowed.</p> <p>7. Let the applicant-Ajay be released on bail, on executing personal bond and furnishing two reliable sureties, each of like amount, to the satisfaction of Court concerned.</p> <p style="text-align: right;"><b>(Alok Mahra, J.)</b> 08.05.2026</p> <p><i>Arpan</i></p>
--	--	--