



2026:UHC:2756

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.2040 of 2025 <b><u>Hon'ble Alok Mahra, J.</u></b></p> <p>Mr. Shubhan Dhariyal, Advocate, holding brief of Mr. Vikas Pande, Advocate for the applicant.</p> <p>Mr. Prabhat Kandpal, 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.78 of 2025, under Section 65(1) of B.N.S. and Section 3/4 of POCSO Act, registered at Police Station Haldwani, District Nainital.</p> <p>3. An F.I.R. was lodged by the complainant alleging that the victim was a minor and that the applicant had committed rape upon her.</p> <p>4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case; he has no criminal antecedents and has been in judicial custody since 11.03.2025. It is further submitted that the complainant, who has been examined as P.W.6, has categorically deposed that the F.I.R. was lodged on the basis of certain photographs shown to him, wherein the applicant and the victim were seen sitting in close proximity, and he has not supported the prosecution version in material particulars. It is also submitted that the victim as well as other material/star witnesses, including the doctor, have already been examined, and therefore, there remains no likelihood of the applicant influencing or tampering with the prosecution evidence. Learned counsel further submits that the applicant belongs to a lower strata of society and his family is solely dependent upon his earnings for their</p>



			<p>livelihood.</p> <p>5. Learned State Counsel vehemently opposed the bail application.</p> <p>6. Having considered the submissions advanced, the nature of accusations, the period of incarceration already undergone, and the fact that the material witnesses, including the victim and the medical witness, have already been examined, this Court finds that the possibility of the applicant interfering with the course of trial is substantially diminished. The statement of the complainant, who has not supported the prosecution case in material aspects, also lends support, at this stage, to the contention that continued incarceration of the applicant is not warranted. There is nothing on record to indicate that the applicant has any criminal antecedents or that he is likely to abscond.</p> <p>7. 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>8. Let the applicant-Mohan Swaroop @ Munish 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> 17.04.2026</p> <p><i>Arpan</i></p>
--	--	--	--