



2026:UHC:3521

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>BA1/2054/2025</u></p> <p><u>Hon'ble Alok Mahra, J.</u></p> <p>Dr. Kartikey Hari Gupta along with Mr. Rafat Munir Ali and Irum Zeba, learned counsel for the applicant.</p> <p>2. Ms. Pushpa Bhatt, learned Deputy A.G. along with Mr. S.C. Dumka, learned A.G.A. for the State.</p> <p>3. The first bail application has been moved on behalf of the applicant seeking grant of regular bail in connection with F.I.R./Case Crime No. 23 of 2025 (Special Sessions Trial No.45 of 2025), registered under Sections 65(1), 126(2), 137(2) the B.N.S. and 3, 4, 17, 18 of the Protection of Children from Sexual Offence Act at Police Station Muni-ki-Reti, District Tehir Garhwal.</p> <p>4. As per the prosecution case, the First Information Report was lodged by the father of the victim alleging therein that his minor daughter, aged about 13 years, was enticed away by the present applicant along with other co-accused persons. During the course of investigation, the Investigating Officer recorded the statements of the witnesses, collected relevant evidence, and after completion of investigation, submitted the chargesheet against the applicant for the offences aforesaid.</p> <p>5. Learned counsel for the applicant would submit that the applicant is innocent and has falsely been implicated in the present case; that, he has not committed any offence as alleged in the</p>



F.I.R.; that, the applicant is a mason by profession and had been working at Muni-ki-Reti for the last about six months in connection with construction work of a camp office and was residing there in a rented accommodation. It is further submitted that the applicant is languishing in jail since 07.03.2025; that, the investigation has already been completed and the chargesheet has been submitted, therefore, there remains no possibility of tampering with the prosecution evidence or influencing the witnesses.

6. Learned counsel would further submit that the applicant is a permanent resident of District Haridwar and there is no likelihood of his absconding or misusing the liberty of bail. It is also submitted that the trial is likely to take considerable time in its conclusion and, therefore, the applicant deserves to be enlarged on bail.

7. Per contra, learned State counsel would vehemently oppose the bail application and submitted that the allegations levelled against the applicant are grave and serious in nature. It is submitted that the victim is a minor girl aged about 13 years and the prosecution witnesses have supported the prosecution story during investigation.

8. It is further submitted that the report of the Forensic Science Laboratory has also been received, wherein the DNA analysis was conducted on the biological samples of the victim and the applicant. As per the F.S.L. report, the mixed DNA profile obtained from the vaginal swab and pubic hair combing of the victim as well as from the vest of the accused



matched with the DNA profile obtained from the blood samples of the applicant and the victim; that, on the strength of the aforesaid scientific evidence, learned State counsel submitted that the complicity of the applicant is clearly established and, therefore, no case for grant of bail is made out.

9. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the allegations levelled against the applicant are serious in nature. The victim is admittedly a minor girl aged about 13 years. The record further reveals that the F.S.L. report has been received and the DNA profiling conducted during investigation prima facie supports the prosecution case. Considering the nature and gravity of the allegations, the age of the victim, and the scientific evidence collected during investigation, this Court does not find any good ground to enlarge the applicant on bail at this stage.

10. In view of the aforesaid facts and circumstances of the case, and without expressing any opinion on the merits of the matter, this Court is of the opinion that the applicant has failed to make out a fit case for grant of bail.

11. Accordingly, the bail application is hereby rejected.

(Alok Mahra, J.)

07.05.2026



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