

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

**IA No.1 of 2024 For Bail Application**  
**In**  
**Criminal Appeal No. 706 of 2024**

Mukesh Alias Munna ..... Appellant

Vs.

State of Uttarakhand ..... Respondent

Present:

Ms. Sukhwani Singh, Advocate for the appellant.

Ms. Manisha Rana Singh D.A.G. 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 19/20.09.2024, passed in Special Sessions Trial No.26 of 2020, State Vs. Mukesh @ Munna, by the court of Special Judge (POCSO)/Additional District Judge, District Dehradun. By it, the appellant has been convicted and sentenced under Section 376 IPC.

2. Heard.

3. This appeal has already been admitted.

4. List in due course for final hearing.

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

6. According to the FIR, the victim, a young girl, left her home on 19.01.2020 early in the morning, but she could not be traced. Subsequently, it was revealed that the victim has gone with some boy to Delhi. According to the prosecution case, it is the appellant, who took her away.

7. Learned counsel for the appellant submits that during investigation, the victim has stated that she was in

romantic relationship with the appellant, but during trial, she has not supported the prosecution case at all when examined as PW6; on the basis of detection of DNA on the clothes of the victim, conviction has been held, which cannot be recorded without any corroborative evidence.

8. These factual narrations are not disputed by learned State Counsel.

9. Having considered this and other attending factors, we are of the view that it is a case in which the execution of sentence should be suspended and the appellant be enlarged on bail.

10. The bail application is allowed.

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

12. The appellant 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.

**(Siddhartha Sah, J.)**

**(Ravindra Maithani, J.)**

25.03.2026