

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>CRLA No. 717 of 2024</p> <p><u>Hon'ble Ashish Naithani, J.</u></p> <p>Mr. Ankur Sharma, learned counsel for the Appellant.</p> <p>2. Mr. G.C. Joshi, learned A.G.A. along with Mr. J.P. Kandpal, learned Brief Holder for the State.</p> <p>3. The matter is fixed for hearing on the bail application filed by the Appellant.</p> <p>4. Heard learned counsel for the parties on the Bail Application (I.A. No. 02 of 2024).</p> <p>5. The present Criminal Appeal has been filed against the judgment and order dated 18.10.2024 passed by the learned Fast Track Court/Additional Sessions Judge, Roorkee, District Haridwar in Special Sessions Trial No. 102 of 2021, "<i>State vs. Sandeep and Others</i>", whereby the learned Trial Court convicted the Appellant under Sections 370A and 376(2)(n) of the Indian Penal Code, 1860. The Appellant has been sentenced to undergo rigorous imprisonment for a period of three years under Section 370A IPC along with a fine of ₹5,000/-, and rigorous imprisonment for a period of ten years under Section 376(2)(n) IPC along with a fine of ₹20,000/-.</p> <p>6. Learned counsel for the Appellant submits that the Appellant was on bail during the course of trial and never misused the liberty so granted. It is further submitted that there are major contradictions in the statement of the victim, which create serious doubt regarding the prosecution case. The Appellant has no criminal history to his credit and has already undergone more than three years of incarceration. The Appellant is in judicial custody since 19.10.2024.</p> <p>7. Learned State Counsel vehemently opposed the bail</p>

application, contending that the victim was a minor and that the case pertains to human trafficking.

8. After hearing learned counsel for the parties and upon consideration of the facts and circumstances of the case, and considering the fact that the victim has denied the allegations and there are contradictions in her statements, this Court is of the opinion that, at this stage, sufficient grounds exist for granting bail, solely on the ground that the victim has resiled from her statement and does not support the prosecution case, without entering into the merits of the appeal. It is also noted that the Appellant was on bail during the pendency of the trial and did not misuse the liberty granted to him.

9. Accordingly, the Appellant-Sandeep shall be released on bail upon executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the learned Trial Court.

10. It is clarified that the grant of bail shall not be treated as a ground for seeking unnecessary adjournments or for delaying the disposal of the present criminal appeal.

11. List this case on 13.04.2026.

(Ashish Naithani, J.)

09.02.2026

Shiksha

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