



ITEM NO.1

COURT NO.10

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 6878/2025

[Arising out of impugned final judgment and order dated 23-10-2024 in FBA No. 323/2024 passed by the High Court of Uttarakhand at Nainital]

AJEET KUMAR

Petitioner(s)

VERSUS

STATE OF UTTARAKHAND

Respondent(s)

(IA No. 104578/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 104579/2025 - EXEMPTION FROM FILING O.T.)

Date : 15-07-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K. VINOD CHANDRAN
HON'BLE MR. JUSTICE N.V. ANJARIA

For Petitioner(s) :

Mr. Alok Singh, Adv.
Mr. Samir Malik, Adv.
Mr. Ajay Jatav, Adv.
Mr. Ankit Borker, Adv.
Ms. Shivangi Singh, Adv.
Mr. Raj Shekhar Sharma, Adv.
Ms. Alpana Sharma, AOR

For Respondent(s) :

Ms. Saakshi Singh Rawat, Adv.
Mr. Sudarshan Singh Rawat, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. The petitioner has been charged under Sections 363, 366 and 376 of the Indian Penal Code read with Sections

5 and 6 of the POCSO Act, 2012.

2. Learned counsel for the respondent/State vehemently opposes the petition and submits that the girl was a minor. She further points out discrepancies between the date of birth as mentioned in the Aadhar Card and the School Certificate. It is also submitted that the trial is almost over since the investigating officer has already been examined.

3. Learned counsel for the petitioner, on the other hand, submits that the co-accused has been granted bail. He further submits that the facts would indicate that it is more or less consensual and the victim, with respect to whom the allegations are raised against the petitioner, even according to her, is 18 years old.

4. We have seen the records which indicates that the victim's own statement and her Aadhar Card disclose that she is 18 years old.

5. The allegations against the co-accused pertains to another girl, who was a minor. However, he has been granted bail on the ground that the two have since married.

6. We are, *prima facie*, of the opinion that the petitioner is entitled to be released on bail. The observations, *prima facie*, made by us shall not govern

the final adjudication.

7. The petitioner is directed to be released on bail in connection with FIR No. 52 of 2023 registered at Police Station -Kichha, Udham Singh Nagar, Uttarakhand, on such terms and conditions as may be imposed by the Trial Court.

8. The special leave petition is, accordingly, disposed of.

9. Pending application(s), if any, shall stand disposed of.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
ASSISTANT REGISTRAR