

(2024) 11 UK CK 0086

Uttarakhand High Court

Case No: First Bail Application No. 1378 Of 2024

Abhishek Kumar

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

**Date of Decision:** Nov. 8, 2024

**Acts Referred:**

- Indian Penal Code, 1860 - Section 376(2)(n), 376(3)
- Protection Of Children From Sexual Offences Act, 2012 - Section 5(j)(ii), 5(l), 6

**Hon'ble Judges:** Ravindra Maithani, J

**Bench:** Single Bench

**Advocate:** Pooran Singh Rawat, Manisha Rana Singh

**Final Decision:** Allowed

**Judgement**

Ravindra Maithani, J

1. Applicant is in judicial custody in Case Crime/FIR No. 98 of 2023, under Section 376 (2) (n), 376(3) of IPC and Section 5 (j) (ii), 5 (l)/6 of the Protection of Children From Sexual Offences Act, 2012, Police Station Almora, District Almora. He has sought his release on bail.
2. Heard learned counsel for the parties and perused the record.
3. The victim had a stomach ache, when the doctor examined, it was found that she was pregnant by 10 weeks. The victim then revealed that the applicant has established physical relations with her in his home. The victim is a minor. Her grandfather lodged the report.
4. Learned counsel for the applicant would submit that it is a false case. The applicant has just friendship with the victim. They did not ever establish any physical relation. The sample of foetus was sent for DNA examination, which did not match with the applicant. There is a positive report to that effect. It is argued that it belies the prosecution case. It is a case fit for bail.
5. Learned State counsel would submit that according to the victim, the applicant for the first time forcibly established physical relation with her and on multiple occasions, under the assurance of marriage established relations with her, although she admits that on DNA examination, the foetus did not match with the applicant.
6. Having considered the entirety of facts, this Court is of the view that the applicant deserves to be enlarged on bail.
7. The bail application is allowed.

8. Let the applicant be released on bail, on his executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the Court concerned.