

(2025) 12 UK CK 0040

Uttarakhand HC

Case No: Second Bail Application No. 292 Of 2025

Nadeem

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: Dec. 8, 2025

Acts Referred:

- Indian Penal Code, 1860 - Section 120B, 363, 366A
- Protection Of Children From Sexual Offences Act, 2012 - Section 16, 17
- Code Of Criminal Procedure, 1973 - Section 164
- Constitution Of India, 1950 - Article 21

Hon'ble Judges: Alok Kumar Verma, J

Bench: Single Bench

Advocate: Reema Rana, Sweta Badola Dobhal

Final Decision: Allowed

Judgement

Alok Kumar Verma, J

1. This is the Second Bail Application.
2. The First Bail Application (BA1 No.775 of 2023) was rejected on 12.06.2023.
3. Applicant-Nadeem is in judicial custody for the offence under Sections 363, 366A, 120B of the Indian Penal Code, 1860 and Section 16 read with Section 17 of the Protection of Children from Sexual Offences Act, 2012 in Case Crime No.105 of 2022, registered at Kotwali Jwalapur, District Haridwar.
4. According to the prosecution, the victim was kidnapped and raped by the present applicant and co-accused persons for 17 days.
5. Heard Ms. Reema Rana, learned counsel for the applicant and Mrs. Sweta Badola Dobhal, learned Brief Holder for the respondent.

6. Ms. Reema Rana, Advocate, contended that the applicant has been falsely implicated in the present matter. He is an innocent person. He has no criminal antecedents. The medical report of the alleged victim does not support the case of the prosecution. As per the medical report, hymen was intact and there was no injury on the body of the alleged victim. The alleged victim has not supported the case of the prosecution in her statement under Section 164 of the Code of Criminal Procedure, 1973 and as PW1 in her examination-in-chief. The report of the Forensic Science Laboratory dated 12.07.2022 also does not support the case of the prosecution. Kadir, co-accused of the similar role, has already been granted bail by this Court in First Bail Application No.5 of 2025. Applicant is in custody since 05.03.2022, and, he is a permanent resident of District Saharanpur, Uttar Pradesh, therefore, there is no possibility of his absconding.

7. Mrs. Sweta Badola Dobhal, Brief Holder for the respondent has opposed the bail application orally.

8. Bail is the rule and committal to jail is an exception. Refusal of bail is a restriction on the personal liberty of the individual, guaranteed under Article 21 of the Constitution of India. The object of keeping the accused in detention during the trial is not punishment. The main purpose is manifestly to secure the attendance of the accused.

9. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, no reason is found to keep the applicant behind the bars for an indefinite period, therefore, without expressing any opinion as to the merits of the case, this Court is of the view that the applicant deserves bail at this stage.

10. The Bail Application is allowed.

11. Let the applicant-Nadeem be released on bail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned.