
(2018) 08 UK CK 0132

In the Uttarakhand High Court

Case No : First Bail Application No. 461 of 2018

Raja & others

APPELLANT

Vs

State of Uttarakhand

RESPONDENT

Date of Decision : 27-08-2018

Acts Referred:

Indian Penal Code, 1860 — Section, 363, 366A, 376
Protection of Children from Sexual Offences Act, 2012 — Section 5, 6
Code Of Criminal Procedure, 1973 — Section 164

Citation : (2018) 08 UK CK 0132

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : Nalin Saun, Mamta Joshi

Final Decision : Allowed

Judgement

Sudhanshu Dhulia, J. (Oral)

1. Heard Mr. Nalin Saun, Advocate for the applicants and Ms. Mamta Joshi, Brief Holder for the State.

2. The applicants are in jail having been implicated in Case Crime No. 96 of 2017 under Section 363, 366-A, 376 IPC and Section 5/6 of the Protection of Children from Sexual Offences Act, registered at P.S. Rajpur, District Dehradun.

3. The allegation against the applicants is that they kidnapped the victims and thereafter made physical relations with the victims.

4. As per the statement of the prosecutrix under Section 164 CrPC, the victims have went with the applicants from Dehradun to Haridwar and

thereafter from Haridwar to Delhi, where they stayed in a hotel. Thereafter they went to Pune, where they lived for 10-15 days. The victims in their

statement under Section 164 CrPC have further stated that they were in love

with the present applicants and the applicants made physical relations with the victims with their consent.

5. As per the medical report, the age of the victims are 16 years and 14 years, respectively. The applicants are 20 years and 21 years, respectively

and are in jail since 07.09.2017 i.e. for last almost one year.

6. Considering the overall evidence, which is presently available before this Court, prima facie, the applicants have been able to make out a case for bail. The bail application is hereby allowed.

7. Let the applicants be enlarged on bail in the aforesaid crime on their executing personal bond and two reliable sureties, each of the equal amount to the satisfaction of the court concerned.

8. It is made clear that any observations made by this Court are only for the purposes of grant of bail. It shall not be taken into consideration at all in any other proceedings.