

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL  
ORIGINAL JURISDICTION**

**Bail Application No. 123 of 2018**  
Order on the bail application of the accused.

Pawan Katariya	.....	Applicant (In Jail)
	<b><u>Versus</u></b>	
State of Uttarakhand	.....	Opposite Party

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Mr. Vivek Shukla, Advocate for the applicant.  
Mr. J.S. Virk, A.G.A. along with Ms. Mamta Joshi, Brief Holder for the State of Uttarakhand.

**Hon'ble Sharad Kumar Sharma, J.**

This is the 1<sup>st</sup> Bail Application seeking regular bail in Case Crime No. 677 of 2017, Under Sections 376 and 506 of IPC, Police Station Kotwali Jwalapur, District Haridwar.

Learned counsel for the applicant submits that the applicant has falsely been implicated in the instant case and has no previous criminal history. He is in jail since 30.11.2017.

In accordance with the allegations raised in the FIR the complainant herself admits that there was a relationship with them since 2013. She had voluntarily gone to various places for example Rishikesh, Gaziabad, Lucknow etc. and stayed together in Hotels, thus it shows she has widely traveled with the applicant & had sexual relationship, lastly it was alleged that they had sexual relationship on 17.11.2017, in 2013 when the relationship started she according to her High School Certificate was of 20 years of age and was major. Even so much so the knowledge of the relationship was even with the parents of the complainant.

After considering all the facts and circumstances, without expressing any opinion about the final merits of the case, the Court is of the view that the present applicant deserves bail at this stage.

Let the applicant Pawan Katariya be released on bail on his executing a personal bond and furnishing two sureties of the like amount to the satisfaction of Magistrate concerned.

The bail application is disposed of accordingly.

**(Sharad Kumar Sharma, J.)**  
**Vacation Judge**  
30.01.2018

