

Hon'ble R.C. Khulbe, J.

Mr. Gaurav Singh, Advocate for the applicant.

Mr. J.S. Virk, AGA, for the State.

Heard.

Applicant Girish Petwal, who is in judicial custody in connection with Case Crime No.04 of 2018 under Sections 452, 323 and 506 IPC r/w Sections 7/8 of POCSO Act, registered at Revenue Police Station Nawakot Jakhnidhar, District Tehri Garhwal, has sought his release on bail.

Heard learned counsel for the parties.

In the FIR lodged on 5.12.18, it is alleged that the applicant was following the daughter of complainant for last 4-5 days. On 5.12.2018, when the complainant sent his daughter to bring the gas stove from the go-down, then the applicant also went inside there and started doing obscene activities and also tried to molest her.

It is argued that the present applicant has falsely been implicated; there is no criminal history against him and he is languishing in jail since 7.12.2018.

There is no allegation about the sexual assault nor any medical report is available on record of the injury, if any, received by the victim. There is even no independent witness to the crime. The accused is languishing in jail since 7.12.2018.

Without making any comment as to the final merits of the case, I am of the view that the applicant deserves bail at this stage. The bail application is, accordingly, allowed. Let the applicant Girish Petwal be enlarged on bail on executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the Magistrate concerned.

It is, however, clarified that these observations are exclusively for the purpose of bail and the same shall not affect the trial proceedings in any manner whatsoever.

(R.C. Khulbe, J.)

31.05.2019