

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**First Bail Application No. 2402 of 2022**

Akim Venkat Premnath alias A.V. Premnath ....Applicant

Versus

State of Uttarakhand .....Respondent

Present:-

Mr. M.S. Pal, Senior Advocate assisted by Mr. Sachin,  
Advocate for the applicant.

Mr. Pankaj Joshi, Brief Holder for the State.

Ms. Pushpa Joshi, Senior Advocate assisted by Mr. Dushant  
Mainali, Advocate for the informant.

**Hon'ble Ravindra Maithani, J. (Oral)**

Applicant Akim Venkat Premnath alias A.V.  
Premnath is in judicial custody in FIR No.03 of 2022,  
under Sections 376, 511, 354, 506 IPC and Sections 7/8  
of the Protection of Children from Sexual Offences Act,  
2012 and Section 68D of the Information Technology Act,  
2000, Revenue Circle-Govindpur, Challani Thana –  
Kotwali Almora, District Almora. He has sought his  
release on bail.

2. Heard learned counsel for the parties and  
perused the record.

3. The applicant is an officer of Delhi Andaman  
and Nicobar Islands Civil Services Cadre. The mother of  
the victim was working in his office. The applicant had  
some property within the District Almora. The applicant

could try to molest the victim, but somehow her mother could save her. But, on 23.02.2022, according to the FIR, the applicant managed to send the mother of the victim to jail. Thereafter, he called the victim in his office at Delhi Secretariat. The applicant tried to inappropriately touch the victim, but somehow she escaped. Later on the applicant persuaded the victim to accompany him to Almora under the assurance that he would get her mother released from jail. They reached Almora on 22.03.2022. The applicant directed his staff to close all the CCTV cameras. The victim was stayed in the farm house of the applicant. On that date, when the victim was about to take bath, the applicant tried to make forcible entry in the wash room, tried to lower the trouser of the victim, but somehow the victim managed to raise alarm, due to which, a Sukhu came and saved the victim. The FIR records that subsequently, the victim came back to Delhi. On 02.05.2022 also, the applicant visited the house of the victim, but the victim did not allow him to enter in her house. The FIR also records that the applicant used to send vulgar messages to the victim. When report was given to the Revenue Officer, according to the FIR, he did not take any steps. Thereafter, on 03.10.2022, a report was given by the victim to the

District Magistrate, Almora, based on which, FIR was lodged.

4. Learned Senior Counsel appearing for the applicant would submit that it is a false case; both the hands of the applicant are amputated; he uses artificial limbs; the FIR is much delayed; it doubts the prosecution case. Reference has been made to a communication dated 09.06.2022, which was allegedly made by the mother of the victim to the Senior Government Authorities, which is Annexure No.2 to the counter affidavit of the mother of the victim, to argue that, in fact, in the complaint dated 09.06.2022, there is no mention of incident dated 22.03.2022.

5. It is also argued that, in fact, in his communication dated 09.06.2022, the mother of the victim states that she does not know Shankar Lamba alias Sukhu Lamba whereas, it is argued that the FIR records on the date of alleged incident, when the victim raised alarm, Sukhu Bhaiya saved her. It is argued that it falsify the prosecution case.

6. On the other hand, learned Senior Counsel appearing for the informant would submit that the

applicant is much powerful man. He is facing various cases of fraud, etc. He has some dispute with someone in the court at Almora. He, in fact, used the mother of the victim to file false complaints against some Presiding Judge of the court, in which, after investigation it was revealed that, in fact, it is the applicant, who was behind all these designs. Learned Senior Counsel would submit that in her communication dated 09.06.2022, given to the Senior Government Authorities, the mother of the victim has stated about the incident of 02.05.2022.

7. Learned Senior Counsel would also submit that applicant by any means wanted to molest and assault the victim; in pursuance to this design he first got the mother of the victim implicated in a false case and thereafter, in his farm house at Almora tried to outrage her modesty and touched her inappropriately. Therefore, the bail should be denied.

8. Learned State counsel would submit that the conduct preceding the incident and post incident is much important. It is submitted that, in fact, the applicant got the CCTV cameras of the farm house switch off before attempt to sexual assault and subsequent conduct of the applicant also denies bail to him.

9. At the stage of bail, much of the discussion at this stage is not expected of. The FIR in the instant case is quite in detail. The statements of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973 has also been placed on record. Along with her counter affidavit, the mother of the victim has placed the communication dated 09.06.2022 made by her against the applicant.

10. During the course of arguments, the Court wanted to know that, as to what was the complaint, which was allegedly made by the applicant through the mother of the victim so as to implicate her?

11. Learned Senior Counsel appearing for the informant has tendered a photocopy of the record submitted by one Shyam Singh Rawat, Inspector Vigilance, High Court of Uttarakhand, Nainital, which is dated 01.06.2021. It records that, in fact, the applicant under a conspiracy with the mother of the victim filed a false complaint. This report of Inspector Vigilance reveals that the mother of the victim was a conspirator along with the applicant.

12. It is not disputed that the applicant used artificial limbs. His both hands are amputated. The victim tells it to the investigation that when she entered in the washroom, the applicant tried to lower her trouser without artificial hands. But, before he could succeed, she raised alarm. She also tells about Sukhu Bhaiya, as to how she was updating him about her locations when she was leaving for Almora from Delhi.

13. It is also a fact that in the communication dated 09.06.2022, in para 6, the mother of the victim writes that she does not know Shankar Lamba alias Sukhu Lamba. At this stage, learned Senior Counsel for the informant would submit that Sukhu Bhaiya, whom the victim is referred to, is not Shankar Lamba alias Sukhu Lamba. Sukhu Bhaiya is some different person. But, again on behalf of the applicant it is submitted that Shankar Lamba alias Sukhu Lamba alias Sukhu Bhaiya, whom the victim has referred to, is one and the same person. This Court does not intend to record any finding on that aspect. But, the fact remains that in her statement under Section 164 of the Code, the victim has stated about one her distant related brother Sukhvinder Lamba. Is it the same person referred to in the

communication dated 09.06.2022? Perhaps it would find deliberation, if required, during trial.

14. Generally, delayed FIR in such matters is not of much significance for the varieties of reasons. But, the fact remains that in communication dated 09.06.2022, which is made by the mother of the victim, there is no reference of the incident dated 02.05.2022.

15. Having considered this and other attending factors, this Court is of the view that it is a case fit for bail and the applicant deserves to be enlarged on bail.

16. The bail application is allowed.

17. 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.

(Ravindra Maithani, J.)  
15.12.2022

Sanjay