

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**First Bail Application No.1839 of 2022**

Sachin Kumar

...Applicant

Versus

State of Uttarakhand

...Respondent

Present:-

Mr. Vikas Anand, Advocate for the applicant.

Mr. B.P.S. Mer, Standing Counsel for the State.

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

Applicant Sachin Kumar, is in judicial custody in FIR No. 101 of 2022, under Sections 376 IPC, and Section 67-C of the Information Technology Act, 2000, Police Station Rudrapur, District Udham Singh Nagar. He has sought his release on bail.

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

3. According to the FIR, the applicant is nephew of the victim. One day when the family members of the victim were not at home and she was alone with her 4 years old daughter, the FIR states that the applicant blackmailed and forcibly established physical relations with her. Thereafter, he continued it on multiple occasions.

4. It is argued that, in fact, the victim was in relationship with the applicant. She had written multiple letters to him, which are annexure 2 to the bail application. It has been

written in para 10 of the bail application. This fact has been admitted in counter affidavit by the State. According to the State, the letters were written by the victim but it records that the victim was forced to write these letters.

5. Learned State counsel would submit that the victim has supported the prosecution case in her statements under Section 161 and 164 of the Code of Criminal Procedure, 1973.

6. The Court wanted to know under what circumstances the victim was forced to write the letters to the applicant? When was those letters written? Why the victim did not make any complaint? There is no reply to it. Perhaps, these questions would find determination at trial.

7. Having considered the entirety of facts, this Court is of the view that the applicant deserves to be enlarged on bail.

8. The bail application is allowed.

9. Let the applicants 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.)  
11.11.2022