

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(Supplementary) 1.

OA (Appeal) 695/2024 with MA 865/2024

Sep Nakul Kumar thru
his brother Ankul Kumar

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For Applicant : Mr. Hanuman Singh, Advocate
For Respondents : Maj. Lauv Kumar, OIC Legal Cell

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HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER
28.02.2024

Invoking the jurisdiction of this Tribunal under Section 15(3) of the Armed Forces Tribunal Act, 2007 read with Section 437(7) of the Code of Criminal Procedure, 1973, the applicant seeks temporary bail to attend the marriage of his brother which is to be solemnized in Amroha (U.P.) day after tomorrow i.e., on 01.03.2024.

2. The bail application was filed before this Tribunal on 27.02.2024, i.e., yesterday and on a mention being made it is listed today.

3. The applicant wants to be released by tomorrow so that he can attend the marriage.

4. The applicant has been convicted for offence under Section 69 of the Army Act read with Section 10 of the Protection of Children from Sexual Offences Act, 2012 and he is in military custody in Hisar Military Station. He has been sentenced for 05 years rigorous imprisonment and dismissal from service.

5. The applicant was convicted on 21.11.2023 and the confirmation proceedings under Section 164(1) of the Army Act are pending.

6. The applicant is found to have committed the offence with respect to a girl child of 12 years of age who had come to the military hospital, Hisar for treatment, applicant committed offence by touching the body of the child, her private parts and conducted various other offences as contemplated under the POSCO Act and the allegations have been proved.

7. Be that as it may, the applicant is yet to challenge the Court Martial. He also wants temporary bail for attending the marriage of his brother. As the applicant has filed the application only yesterday, there is no time for verification of the facts from the police authorities in Amroha (U.P.) and taking steps for ensuring security and for making

arrangements for the visit of the applicant's to a remote area in U.P and to further secure his custody.

8. Taking note of facts and circumstances of the case, for the present, we see no reason to grant temporary bail to the applicant in the peculiar facts and circumstances of the case, particularly, when the material or record shows that there are adequate numbers of members in the family to take care of the function connected with the marriage. The applicant's conduct in filing the application just 02 days before the marriage, in our considered view, deprives the respondents to take necessary steps for verifying various facts as stated in the application and submit their objection.

9. Keeping in view the aforesaid, finding no ground to make any indulgence into the matter, the OA is dismissed.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[LT GEN C.P. MOHANTY]
MEMBER (A)

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