

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

Dated: Nainital: the 30th day of June 2003

Bail application no.531 of 2003

Order on the bail application of accused.

CRIMINAL SIDE

1. Malkeet Singh S/o Sri Karm Singh,
2. Jagjeet Singh S/o Sri Ishwar Singh,
3. Hukmat Singh S/o Sri Ishwar Singh,
All R/o village- Tukri,
P.S. Nanakmatta,
District- Udham Singh Nagar. -----accused applicant

Versus

State of Uttaranchal -----Opposite party

Arising out of case crime no.459 of 2002
U/s 363, 376, 452, 504, 506 IPC.
P.S. Nanakmatta.
District Udham Singh Nagar.

By the court

Hon'ble M.M. Ghildiyal J.

Heard learned counsel for the applicants and learned A.G.A.

According to prosecution, this is a case of gang rape by son, father and grandfather.

According to the complaint, the incident took place on 26.10.2002 and the FIR was lodged on 7.11.2002. The complaint was made U/s 156(3) Cr.P.C. on 31st October 2002; there is no injury in the private parts of the girl.

In view of the judgment passed by Hon'ble Allahabad High Court in Cr.A.No. 3166/1976 reported in 1994 (31) All. CrL. Case, this is a fit case for bail.

The co-accused Bhagat Singh has been released on bail on 19.05.2003. Considering the facts and circumstances of the case, it is a fit case for bail.

Let the accused-applicants Malkeet Singh, Jagjeet Singh and Hukmat Singh be released on bail on their executing personal bonds and furnishing two sureties each in the like amount to the satisfaction of C.J.M., Udham Singh Nagar.

30.06.2003:

MPS:

(M.M. Ghildiyal, J.)