

**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
FIRST BAIL APPLICATION No. 555 of 2005**

Bhagwat Bhatt, S/o Mohan Chandra Bhatt,
R/o Village Koteshwar, Patti Raiagar, Tehsil Berinag,
Distt. Pithoragarh.

.....Applicant

Versus

State of Uttaranchal

.....Opposite Party.

In Case Crime No. 127 of 2005,
Under Sections 323, 506, 342, 307 I.P.C.
Police Station – Berinag.
District – Pithoragarh.

&

FIRST BAIL APPLICATION No. 585 of 2005

Alam Singh Dasila alias Dabbu,
S/o Sri Pratap Singh,
R/o Sukhlyari, P. S. Berinag,
District – Pithoragarh.

.....Applicant.

Versus

State of Uttaranchal

.....Opposite Party.

In Case Crime No. 127 of 2005,
Under Sections 323, 506, 342, 307 I.P.C.
Police Station – Berinag.
District – Pithoragarh.

BY THE COURT

Hon'ble J.C.S. Rawat, J.

Heard Smt. Pushpa Joshi & Sri G.B. Pandey, learned counsel for the applicants and learned Additional Government Advocate for the State and perused the record.

The accused-applicants have been challaned under Section 323, 506, 342 and 307 I.P.C. It is contended on behalf of the applicants that the story indicated in the FIR is not in natural course of human tendency that a person, who had

committed such a heinous offence will keep the victim inside his own shop and the shop will be locked by him. It is further contended that the person, who has to commit such an offence, would definitely try to commit the offence in such place from where evidence cannot be collected. Further there was no motive for the accused to commit the crime. It was also contended that there is nothing on record that the intention of the applicants was to commit murder of the complainant/injured. Considering the facts and totality of the circumstances of the case, it is a fit case for bail.

Let the applicants-accused be released on bail on furnishing a personal bond and tow sureties each in the like amount to the satisfaction of the CJM concerned.

(J.C.S. Rawat, J.)

Dated: 30.06.2005

Rathour