

HIGH COURT OF UTTARANCHAL AT NAINITAL

ORIGINAL JURISDICTION

Dated Nainital the 30th day of June, 2005
Second Bail Application No. 556 of 2005
Order on the bail application of the accused

CRIMINAL SIDE

Pappu Laias Subhash, S/o Ram Avtar,
R/o Phool Bagh Centre Pantnagar,
Police Station Rudrapur,
District-Udham Singh Nagar.Applicant.

Versus

State of UttaranchalOpposite Party

In Case Crime No. 408 of 2005
Under Sections 363, 366, 376 I.P.C.
Police Station – Rudrapur,
District – Udham Singh Nagar.

BY THE COURT

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

Heard Sri T.S. Phartiyal, learned counsel for the applicant and learned AGA for the State.

First Bail Application had been rejected on 07.06.2005 for want of prosecution. Hence the applicant has moved IInd Bail Application.

It is contended that the prosecutrix was more than 17 years of age at the time of alleged incident. The applicant has filed the marriage certificate along with this bail application.

It is further contended that the prosecutrix left her parent's house along with the applicant and thereafter they were wandering from place to place but the prosecutrix never raised alarm nor complained to any one that she has been taken away by the applicant from her lawful guardianship and against her will.

It is further contended that the prosecutrix was more than 16 years of age at the time of incident and she was a consenting party.

Considering the facts and circumstance of the case in totality, it is a fit case for bail.

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

Dated 30.06.2005
Rathour

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