

HIGH COURT OF UTTARAKHAND AT NAINITAL
ORIGINAL JURISDICTION

Dated Nainital the 31st December, 2008

1st Bail Application No. 975 of 2008

Order on the bail application of the accused.

Babu Chaudhary S/o Sri Liyakat Chaudhary	.....	Applicant
	<u>Versus</u>	
State of Uttarakhand	.....	Opposite Party

In Case Crime No. 501 of 2008
U/s 420, 468 and 471 I.P.C.
Police Station Laxman Jhula
District Pauri Garhwal

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

Heard Mr. S.K. Chaudhary, Advocate for the applicant; Mr. Amit Bhatt, Addl. G.A. for the State; and perused the record.

After due consideration of the submissions of the learned counsel for the parties; contents of the F.I.R.; allegations made in the F.I.R.; the fact that the co-accused have been enlarged on bail; and the facts and circumstances of the case, it is a fit case for bail.

Let the accused/applicant be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate.

However, it is made clear that the applicant shall also furnish undertaking with bond that he would not visit during the pendency of this case in Uttarakhand State without the permission of the Court. He will only come to Court to attend the case. For this purpose, the applicant has to seek the permission of the court concerned by way of application. The applicant can visit Uttarakhand State only after obtaining the permission from the court concerned where the case is pending.

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

Dated 31.12.2008
Shiv

HIGH COURT OF UTTARAKHAND AT NAINITAL
ORIGINAL JURISDICTION

Dated Nainital the 31st December, 2008

1st Bail Application No. 1061 of 2008

Order on the bail application of the accused.

Km. Alka D/o Brajpal

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Applicant

Versus

State of Uttarakhand

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Opposite Party

In Case Crime No. 13 of 2008

U/s 302/34, 452 I.P.C.

Police Station Pathri

District Haridwar

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

Heard Mrs. Pushpa Joshi, Advocate for the applicant; Mr. Amit Bhatt, Addl. G.A. for the State; and perused the record.

After due consideration of the submissions of the learned counsel for the parities; contents of the F.I.R.; allegations made in the F.I.R.; the allegation in the F.I.R. that the applicant struck injury by *Fukni*; the fact that the fatal injuries were caused by Parveen and Sonu to the deceased as per the averments made in the F.I.R.; the fact that the applicant is a lady; and in the facts and circumstances of the case, it is a fit case for bail.

Let the accused/applicant be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate.

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

Dated 31.12.2008

Shiv

HIGH COURT OF UTTARAKHAND AT NAINITAL
ORIGINAL JURISDICTION

Dated Nainital the 31st December, 2008

1st Bail Application No. 1061 of 2008

Order on the bail application of the accused.

Km. Alka D/o Brajpal	.....	Applicant
	<u>Versus</u>	
State of Uttarakhand	.....	Opposite Party

In Case Crime No. 13 of 2008
U/s 302/34, 452 I.P.C.
Police Station Pathri
District Haridwar

Hon’ble J. C. S. Rawat, J.

Heard Mrs. Pushpa Joshi, Advocate for the applicant; Mr. Amit Bhatt, Addl. G.A. for the State; and perused the record.

After due consideration of the submissions of the learned counsel for the parites; contents of the F.I.R.; allegations made in the F.I.R.; the allegation in the F.I.R. that the applicant struck injury by *Fukni*; the fact that the fatal injuries were caused by Parveen and Sonu to the deceased as per the averments made in the F.I.R.; the fact that the applicant is a lady; and in the facts and circumstances of the case, it is a fit case for bail.

Let the accused/applicant be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate.

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

Dated 31.12.2008
Shiv

HIGH COURT OF UTTARAKHAND AT NAINITAL
ORIGINAL JURISDICTION

Dated Nainital the 31st December, 2008
2nd Bail Application No. 1109 of 2008
Order on the bail application of the accused.

Laxman Singh alias Lachu			
S/o Sri Govind Singh		.....	Applicant
	<u>Versus</u>		
State of Uttarakhand		.....	Opposite Party

In Case Crime No. 2261 of 2007
U/s 8/18/20 N.D.P.S. Act
Police Station Tanakpur
District Champawat

With
2nd Bail Application No. 1064 of 2008
Order on the bail application of the accused.

Jai Prakash S/o Sri Niranjan Pasad		.....	Applicant
	<u>Versus</u>		
State of Uttarakhand		.....	Opposite Party

In Case Crime No. 2262 of 2007
U/s 8/18/20 N.D.P.S. Act
Police Station Tanakpur
District Champawat

Hon’ble J. C. S. Rawat, J.

Heard Mrs. Pushpa Joshi, Advocate for the applicants; Mr. Amit Bhatt, Addl. G.A. for the State; and perused the record.

This is the 2nd Bail Application moved by the applicants. The 1st bail applications moved by the applicants have been rejected by this court on 10/09/2008 and 22/10/2008 in Bail Application Nos. 672 of 2008 and 562 of 2008 respectively.

The earlier bail applications moved by the applicants Laxman Singh and Jai Prakash before the trial court were rejected by the learned Sessions Judge on 15th March, 2008. Thereafter, statements of some of the witnesses have been recorded in the trial court. Learned counsel for the applicants tried to stress about the contradictory statements of the witnesses made during the course of the evidence. It would be just and proper to direct the applicants to move a fresh bail applications before the learned trial court and the learned trial court would be at liberty to dispose of the bail applications

moved by the applicants not being prejudiced with the fact that earlier bail applications of the applicants have been rejected by the trial court.

It is directed that if the applicants move bail applications before the trial court, their bail applications will be heard afresh in the light of the evidence recorded by the trial court and will be decided in accordance with the law. The trial court would not be influenced by the fact that these bail applications have been disposed of by this Court.

The bail applications are disposed of accordingly.

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

Dated 31.12.2008

Shiv

HIGH COURT OF UTTARAKHAND AT NAINITAL
ORIGINAL JURISDICTION

Dated Nainital the 31st December, 2008
1st Bail Application No. 1106 of 2008
Order on the bail application of the accused.

Iliyas S/o Sukhat Hussain	.....	Applicant
	<u>Versus</u>	
State of Uttarakhand	.....	Opposite Party

In Case Crime No. 161 of 2008
U/s 2/3 of Gangsters Act
Police Station Dalanwala
District Dehradun

Hon’ble J. C. S. Rawat, J.

Heard Mr. Atul Bahuguna, Advocate for the applicant; Mr. R.P. Nautiyal, Advocate for the complainant; Mr. Amit Bhatt, Addl. G.A. for the State; and perused the record.

Learned counsel for the applicant contended that only one case has been shown in the gang chart against the accused/applicant. The learned counsel for the applicant further contended that the accused/applicant has been enlarged on bail by this Court on 24/11/2008 in 1st Bail Application No. 874 of 2008 (Annexure-1 to the bail petition). The learned Addl. G.A. did not deny the above fact.

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

Let the accused/applicant be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Special Judge, Gangster Act concerned.

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

Dated 31.12.2008
Shiv