

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

ORIGINAL JURISDICTION

Dated: Nainital: the 31st day of December, 2009

2nd Bail Application No. 118 of 2009

Order on the Bail application of accused.

CRIMINAL SIDE

Rahul Sharma @ Rajnish

..... Applicant (In jail)

Versus

State of Uttarakhand

..... Opposite Party

Arising out of Case Crime No 218 of 2009,

U/s 384, 504, 506 IPC

P.S. Dalanwala, District Dehradun.

December 31, 2009

HON'BLE DHARAM VEER, J.

Heard Mr. Pawan Mishra, Advocate for the accused applicant and Mr. Amit Bhatt, Addl. G.A. with Mr. M.A. Khan, Brief Holder for the State.

1st bail application of the accused applicant was dismissed as not pressed vide order dated 19.11.2009 passed by this Court.

In brief, the case of prosecution is that on 24.9.2009, the complainant Prateek Juyal lodged an FIR with the allegations that on 23.9.2009 in between 6 pm to 7 pm he got telephonic call from the accused applicant, who abused him on the phone and alleged him as a mafia and threatened to kill him.

Learned Counsel for the accused applicant argued that a false case has been registered against the applicant and he has not committed any offence. On the contrary, learned State Counsel opposed the bail application of the accused applicant and submitted that the accused applicant had demanded Rs. 25,000/- as monthly ransom money from the complainant, failing which he had threatened of putting obstructions in his business. He has further submitted that applicant has a long

criminal history and following cases are registered against him in various police stations:

- (i) Case Crime No. 287/96, u/s 394/302 IPC
- (ii) Case Crime No. 313/96, u/s 394/302 IPC
- (iii) Case Crime No. 57/96, u/s 452/323/506 IPC
- (iv) Case Crime No. 125/89, u/s 379/411 IPC
- (v) Case Crime No. 128/89, u/s 25/4 Arms Act
- (vi) Case Crime No. 227/89, u/s 506 IPC
- (vii) Case Crime No. 101/97, u/s 25/4 Arms Act
- (viii) Case Crime No. 165/05, u/s 60 Excise Act
- (ix) Case Crime No. 2/07, u/s 323/504 IPC
- (x) Case Crime No. 108/09, u/s 110 CrPC

Having heard the submissions of learned Counsel for the parties; perusal of the contents of FIR; and other papers available on record and in the facts and circumstances of the case, the Court is of the view that there is no ground to enlarge the accused applicant on bail at this stage.

The bail application is rejected accordingly.

(Dharam Veer, J.)
31.12.2009

PRABODH