

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
ORIGINAL JURISDICTION

Criminal Bail Application No.78 of 2009

Order on the Bail application of accused.

CRIMINAL SIDE

Pushkar Singh S/o Rajendra Singh,
R/o Village Mangolia Dhara Ward No.7, Kaladhungi,
P.S. Kaladhungi, Distt. Nainital

.....Applicant (In Jail)

Versus

State of Uttarakhand

----- Opposite party

Arising out of Case Crime No.53 of 2008,
U/s 498-A/323/506 IPC & 3/4 of Dowry Prohibition Act,
P.S. Kaladhungi, Distt. Nainital

Dated: January 30, 2009

Hon'ble Dharam Veer, J.

Heard Sri R.S. Sammal, learned counsel for the applicant and Sri S.S. Adhikari, learned AGA for the State.

In brief the prosecution case is that the applicant/accused is the husband of the victim-Kiran and he was demanding Rs.1.00 lacs in cash in dowry and for that he also tortured her physically and mentally. With the same averments, the FIR was lodged on 31.10.2008 at 6:30 P.M. with Naib Tehsildar, Ranikhet by Sri Moti Singh, father of victim-Kiran.

Learned counsel for the applicant submitted that the applicant never demanded any money from the victim i.e. his wife in dowry and he also never beaten her nor he committed any physical or mental harassment of the victim. He further submitted that the averments made in the FIR are general in nature. It was further submitted that he is in jail since 13.12.2008 and the trial has yet not been started and he has got no criminal history before this case.

After considering all the facts and circumstances, without expressing any opinion about the final merits of the case, the Court is of the view that the present applicant deserves bail at this stage.

Let applicant Pushkar Singh be released on bail on his executing personal bond and furnishing two sureties each in the like amount to the satisfaction of Judicial Magistrate, Haldwani.

The bail application is disposed of accordingly.

(Dharam Veer, J.)

30.01.2009
Rajeev Dang