

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**  
**ORIGINAL JURISDICTION**

**Criminal Bail Application No.79 of 2009**

**Order on the Bail application of accused.**

**CRIMINAL SIDE**

Ram Niwas S/o Sofi Ram

.....**Applicant (In Jail)**

Versus

State of Uttarakhand

----- **Opposite party**

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Arising out of Case Crime No.44 of 2005 (Special S.T. No.3/05),  
U/s 2/3 (i) of U.P. Gangster & Anti-Social Activities (Prevention)  
Act, 1986, P.S. Vikas Nagar, Distt. Dehradun

**Dated: January 30, 2009**

**Hon'ble Dharam Veer, J.**

Heard Sri Pawan Mishra, 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 was in jail in the above-said offences but due to non-appearance in the court since 10.8.2007 till 7.9.2008, non-bailable warrant was issued against him on the basis of which the police arrested him and sent him to jail. The applicant also moved a bail application before the court below but the same was rejected.

Learned counsel for the applicant submitted that the applicant could not present in the court on the dates fixed because he was ill on those days and he was not in a condition to move and he also remained under treatment of a doctor. He further submitted that the applicant was not intentionally absent from the court but due to illness he could not present in the court. He also gave an undertaking before this Court that the applicant will remain present in future on each and every date before the court below and he will not misuse the bail.

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 Ram Niwas be released on bail on his executing personal bond and furnishing two sureties each in the like amount to the satisfaction of Special Judge, U.P. Gangster & Anti-Social Activities (Prevention) Act, 1986, Dehradun.

The bail application is disposed of accordingly.

**(Dharam Veer, J.)**

**30.01.2009**

Rajeev Dang