

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

ORIGINAL JURISDICTION

Dated: Nainital: the 29th day of January, 2010

Ist Bail Application No. 32 of 2010

Order on the Bail application of accused.

CRIMINAL SIDE

Subhash Kumar Batra @ SonuApplicant (In jail)

Versus

State of Uttarakhand Opposite Party

Arising out of Case Crime No. 674/2009,
U/s 363/366/376 IPC,
PS Rudrapur, District Udham Singh Nagar.

January 29, 2010

HON'BLE DHARAM VEER, J.

Mr. R.P. Nautiyal, Advocate for the accused applicant.

Mr. Nandan Arya, AGA for the State.

Mr. Lokendra Singh, Advocate for the complainant.

Counter affidavit filed on behalf of the State is taken on record.

Heard.

Learned Counsel for the accused applicant submitted that as per the averments made in the FIR, the girl Km. Arpita had gone from the house on 6.12.2009 along with the accused applicant and she returned back on 11.12.2009 and the FIR was lodged after three days on 9.12.2009 by Ramesh Grover, father of the girl Km. Arpita. He further argued that this delay in lodging the FIR has not been explained by showing the sufficient cause. He further argued that in the medical report (Annexure 2), the age of Km. Arpita has been shown to be above 18 years and thus she was major on the date of alleged incident. He further argued that in the statement of Km. Arpita recorded under Section 164 CrPC (Annexure 3), she has stated that she had gone along with the accused applicant on 6.12.2009 from Rudrapur to Haridwar by car and thereafter from Haridwar to Chandigarh and Chandigarh to Jammu by taxi. Thereafter she came along with accused applicant again to Chandigarh and thereafter from Chandigarh to Shyamali and from Shyamali to Saharanpur and from Saharanpur to Dehradun. At Dehradun, she gave a slip to the accused applicant and came to Haridwar and

thereafter returned back to Rudrapur on 11.12.2009. He further argued that in this way she travelled nearly 2000 kilometres by taxi and car and stayed at hotels and other residential accommodations but she did not make any complaint to anybody that she was forcibly brought by the accused applicant, which shows that she was a consented party and had gone along with the accused applicant on her own consent.

Having heard the submissions of learned Counsel for the parties; perusal of the contents of the FIR; statement of victim recorded under Section 164 CrPC and other papers available on record and in view of the facts and circumstances of the case and without commenting upon the final merits of the case, the Court is of the view that the applicant deserves bail at this stage.

Let the applicant Subhash Kumar Batra @ Sonu be released on bail on his executing a personal bond and furnishing of two sureties, each in like amount, to the satisfaction of CJM, Udham Singh Nagar.

Bail application is allowed accordingly.

(Dharam Veer, J.)
VACATION JUDGE

29.1.2010
PRABODH