

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

ORIGINAL JURISDICTION

Criminal Bail Application No.106 of 2010

Order on the Bail application of accused

CRIMINAL SIDE

Shiv Kumar

.....Applicant (In Jail)

Versus

State of Uttarakhand

----- Opposite party

Arising out of FIR No.90 of 2009,
U/S 363/366/328/376 IPC,
P.S. Lalkuan, Haldwani, Distt. Nainital

Dated: January 29, 2010

Hon'ble Dharam Veer, J.

Heard Sri Atul Bhatt, Adv. for the applicant and Sri S.S. Adhikari, learned AGA for the State.

Learned counsel for the applicant has argued that the victim Km. Manju and the present applicant were the consented party. He further submitted that the victim herself had gone with the applicant with her own consent and even as per her own wish; she stayed with the applicant for six days. He further argued that the victim is major because as per the medical evidence, the age of the victim is about 18 years. Lastly, the applicant is in jail since 16.7.2009 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 the applicant Shiv Kumar be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of CJM, Nainital.

The bail application is allowed accordingly.

(Dharam Veer, J.)
Vacation Judge

29.1.2010
Rajeev Dang

