

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

ORIGINAL JURISDICTION

1st Bail Application No. 613 of 2010

Order on the Bail application of accused.

CRIMINAL SIDE

Brij Mohan Singh Negi

.....Applicant (In jail)

Versus

State of Uttarakhand

..... Opposite Party

Arising out of Case Crime No. 114/2010,
U/s 376/511 IPC,
PS Dalanwala, District Dehradun.

June 30, 2010

HON'BLE DHARAM VEER, J.

Heard Mr. RP Nautiyal, Advocate for the applicant and Mr. Amit Bhatt, Addl. GA for the State.

Learned Counsel for the accused applicant argued that in the FIR, only the attempt of rape has been alleged against the accused applicant and the medical report does not corroborate the averments made in the FIR. He further argued that on the basis of averments made in the FIR and in view of the other facts and circumstances of the case, at the most, only the offence under Section 354 IPC can be said to be made out against the applicant which is a bailable offence. He also submitted that the applicant is in jail since 28.5.2010 and the trial is yet to begin.

Having heard the submissions of learned Counsel for the parties; perusal of the contents of the FIR, medical report and other papers available on record; 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 Brij Mohan Singh Negi be released on bail on his executing a personal bond and furnishing of two sureties, each in the like amount, to the satisfaction of CJM, Dehradun.

Bail application is allowed accordingly.

(Dharam Veer, J.)

30.6.2010
PRABODH