

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

Original Jurisdiction

Dated: Nainital: the 30th day of December, 2011

First Bail Application No. 815 of 2011

Criminal Side

Rais Ahmad @ Champion

S/o Nause Ahmad

R/o Noori Masjid, Ujala Nagar

Haldwani, District Nainital

presently resident of Near Tehsil

Road Bageshwar, P.S. Bageshwar

District Bageshwar

.....Applicant (In Jail)

Versus

State of Uttarakhand

.....Opposite Party

Arising out of Case Crime No. 38 of 2011

Under Sections: 457, 380 and 411 of I.P.C.

Police Station: Bageshwar

District: Bageshwar

Hon'ble Prafulla C. Pant, J.

Mr. Dinesh Chauhan, Advocate, present for the applicant.

Mr. M.A.Khan, Brief Holder, present for the State.

Heard.

Applicant– Rais Ahmad @ Champion, who is in

jail in connection with Crime No. 38 of 2011, relating to offences punishable under section 457, 380 and 411 of I.P.C., Police Station Bageshwar, District Bageshwar, has sought his release on bail.

Learned counsel for the applicant submitted that applicant is a simply kabadiwala. It is submitted that main accused in the case is one Raju Jatav. It is further submitted that even if the recovery of camera from the present applicant is believed, it constitutes only offence punishable under section 411 of I.P.C., against the applicant. Applicant is in jail for last more than four months.

In the above circumstances, without expressing any opinion as to final merits of the case, pending before the trial court, this Court is of the view that the applicant deserves bail.

The Bail Application is allowed. Let the applicant- Rais Ahmad @ Champion, be released on bail on executing personal bond and furnishing two sureties, each of the like amount, to the satisfaction of Chief Judicial Magistrate, Bageshwar. (Urgency Application No. 4827 of 2011 stands disposed of).

(Prafulla C. Pant, J.)

