

Dated Nainital the 27th January, 2011

3rd Bail Application No. 37 of 2010

Order on the bail application of the accused.

Rajneesh Kumar S/o Shri Vedpal Singh Applicant

Versus

State of Uttarakhand Opposite Party

In Case Crime No. 16 of 2009 (S.S.T. No. 4 of 2010)

U/s 7/13 (1) D r/w 13 (2) Prevention of Corruption Act, 1988

Police Station Vigilance Sector

District Dehradun

Hon'ble V.K. Bist, J.

Heard Shri Sandeep Tandon, the learned counsel assisted by Mr. Mohd. Azim, the learned counsel for the applicant and Shri Nandan Arya, the learned A.G.A. for the State.

Heard learned counsel for the parties on the urgency application. Urgency application No. 281 of 2011 is allowed.

The applicant is in jail in Case Crime No. 16 of 2009 (Special Sessions Trial No. 4 of 2010) relating to the offence punishable u/S 7/13(1) D read with Section 13 (2) of the Prevention of Corruption Act, 1988, Police Station vigilance Sector, District Dehradun.

The 1st Bail Application was rejected on merits on 18th March, 2010 by Hon'ble Mr. Justice Dharamveer (since expired). The 2nd Bail Application was dismissed as not pressed on 12/07/2010. This is the 3rd Bail Application.

Learned counsel for the applicant submitted that more than one year has passed after the arrest of the applicant and still not a single witness has been examined in the trial. It is further pleaded that the applicant cannot be kept in jail for the indefinite period without there being any progress in the trial. It is also submitted that on the similar circumstances, one of the co-accused Mahipal Singh has been granted bail by this Court in 3rd Bail Application No. 01 of 2011 on 5th January, 2011 so, as such, it is a case of parity.

Considering the aforesaid facts and without commenting any further on the merits of the case, this court is of the opinion that the applicant deserves to be enlarged on bail at this stage.

Let the applicant be enlarged on bail in Case Crime No. 16 of 2009, u/S 7/13(1) D read with Section 13 (2) of the Prevention of Corruption Act, 1988, on his executing a personal bond and furnishing two sureties each of the like amount to the satisfaction of court concerned.

(V.K. Bist, J.)
Vacation Judge

Dated 27.01.2011
Shiv