

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

Original Jurisdiction

Dated: Nainital: the 30th day of April, 2012

First Bail Application No. 133 of 2012

Criminal Side

Virendra Singh Bora

S/o Sher Singh Bora

R/o Dhani Jiyosuda, Tehsildhari

P.S. Mukteshwar

District Nainital

.....Applicant (In Jail)

Versus

State of Uttarakhand

.....Opposite Party

Arising out of F.I.R. No 18 of 2011

Under Section: 147 and 302/34 of I.P.C.

Police Station: Bhowali

District: Nainital

Hon'ble Prafulla C. Pant, J.

Mr. D.S.Mehta, Advocate, present for the applicant.

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

Mrs. Sheetal, Advocate, present for the complainant.

Heard.

Applicant–Virendra Singh Bora, who is in jail in connection with Crime/F.I.R. No. 18 of 2011, relating to offences punishable under section 147 and 302/34 of I.P.C., Police Station Bhowali, District Nainital, has sought his release on bail.

Applicant is not named in the First Information Report. (Two other accused namely Lucky Commando and Hridesh are named). It is a case of circumstantial evidence. Co-accused Prakash Singh Bora and Manish, with similar role said to have directed to be released on bail. Learned counsel for the applicant further submitted that the applicant has no criminal history, nor he had any motive to commit the crime.

As against this, on behalf of the State, and learned counsel for the complainant attention of this Court is drawn to the statement of witness Jeevan Singh Bisht, recorded under section 161 of Cr.P.C., in which he has stated that deceased were travelling in the car with two named accused, i.e Lucky Commando and Hridesh, and said car was followed by the car belonging to the present applicant, and third car belonging to the other accused, who were

granted bail. A GUPTI (sharp edged weapon) is said to have been recovered on pointing out of the applicant.

Having considered submissions of learned counsel for the applicant, and learned counsel for the State, and after going through the papers on record, in the above circumstances, this Court is of the view that the applicant deserves bail.

The Bail Application is allowed. Let the applicant- Virendra Singh Bora, be released on bail on executing personal bond and furnishing two sureties, each of the like amount, to the satisfaction of Chief Judicial Magistrate, Nainital.

(Prafulla C. Pant, J.)

Dt.30.04.2012
Nahid