

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

Original Jurisdiction

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

First Bail Application No. 1407 of 2012

Criminal Side

Vijendra Singh

S/o Shri Mukandi Singh

R/o Village Khonbagi, Patti- Paurikhal

District Tehri Garhwal

.....Applicant (In Jail)

Versus

State of Uttarakhand through

District Magistrate, Tehri Garhwal

.....Opposite Party

Arising out of Criminal Complaint Case No. 93 of 2012

Under Section: 498A, 304B, 109, 201 of I.P.C

Police Station: Patti Paurikhal

District: Tehri Garhwal

Hon'ble Prafulla C. Pant, J.

Mr. Sandeep Kothari, Advocate, present for the
applicant.

Mr. S.S.Adhikari, Brief Holder, present for the
State.

Heard.

2. Applicant– Vijendra Singh, who is in jail in connection with Criminal Complaint Case No. 93 of 2012, Sohan Singh vs. Mukandi Singh relating to offences punishable under section 498A, 304B, 109 and 201 of I.P.C., District Tehri Garhwal, has sought his release on bail.

3. Learned counsel for the applicant submitted that the incident of death of wife of applicant said to have taken place on 29.06.1991. Learned counsel for the applicant pleaded that applicant who was working as a cook with Indian Army was on duty on said date in Jalandar (Punjab). It is further submitted that applicant's wife died in his village. It is further pointed out that a First Information Report was lodged regarding the incident in which Naib Tehsildar, after investigation submitted charge sheet only against father in law of the deceased, in respect of offence punishable under section 306 of I.P.C, in October, 1991. Learned counsel for the applicant further stated that applicant was arrested in connection with said case, but released on bail after one month, when the charge sheet was filed against his father.

4. Thereafter, it appears that criminal complaint was filed by the complainant alleging the dowry death in

respect of same incident and applicant has been rearrested.

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

6. Accordingly, the Bail Application is allowed. Let applicant Vijendra Singh S/o Mukandi Singh be released on bail on executing personal bond and furnishing two sureties, each of the like amount, to the satisfaction of the Chief Judicial Magistrate, Tehri Garhwal (Urgency Application No. 5175 of 2012 stands disposed of).

(Prafulla C. Pant, J.)

Dt.30.11.2012
Nahid