

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Original Jurisdiction

Dated: Nainital the 25th Day of May, 2012
1st Bail Application No. 608 of 2012

Order on the Bail Application:

CRIMINAL SIDE

AzadApplicant.

Versus

State of Uttarakhand Opposite party.

Arising out from Case Crime No. 324 of 2011
Under Section 392, 411 IPC
Police Station Kotwali Gangnahar, Roorkee
District Haridwar.

Mr. Manish Arora, Advocate for the applicant.
Mr. M.A. Khan, Brief Holder for the State.

Hon'ble U.C. Dhyani, J.

An FIR was lodged against unknown persons on 31st December, 2011 in P.S. Jhabreda, District Haridwar for the offences punishable under Section 356 IPC which was later converted into Section 392 IPC.

2. The allegation against unknown persons is that they snatched a purse of a lady (informant) and robbed her of a gold chain, gold ring, PAN Card, Photo ID Card, a mobile and cash worth ₹4000/-.

3. Mr. M.A. Khan, Brief Holder for the State opposed the bail on the ground that a case under

Section 379 IPC was also registered against the present applicant earlier.

4. Learned counsel for the applicant submitted that the applicant is not named in the FIR. Nothing has been recovered from his possession. Alleged recovery is false and planted one. It seems improbable that the incident took place on 31st December, 2011 and the recovery of the same was made from the applicant on 14th February, 2012. Although it is said that the applicant has no previous criminal history but learned Brief Holder pointed out that a case under Section 379 IPC was registered against him. Learned counsel for the applicant, however, submitted that the applicant has not been convicted in that case.

5. A case of bail is made out in favour of the accused applicant.

6. Accordingly, the bail application of the applicant Azad is allowed. Let the applicant Azad be released on bail on his executing a personal bond and furnishing two sureties, each of the like amount to the satisfaction of the A.C.J.M., Roorkee.

(U.C. Dhyani, J.)
25.05.2012

Sanjay