

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Original Jurisdiction

Dated: Nainital the 25th Day of May, 2012
1st Bail Application No. 609 of 2012

Order on the Bail Application:

CRIMINAL SIDE

Mahendra ShahiApplicant(In Jail).

Versus

State of Uttarakhand Opposite Party.

Arising out of FIR dated 14.02.2012
Case Crime No. 146 of 2012
Under Sections 401, 328, 379 and 411 IPC
P.S. Kotwali Nagar,
District Haridwar.

Mrs. Pushpa Joshi, Senior Advocate assisted by
Sourabh Adhikari, Advocate for the applicant.
Mr. Navnish Negi, Brief Holder for the State / respondent.

Hon'ble U.C. Dhyani, J

Heard learned counsel for the applicant and learned
Brief Holder for the State.

2. An FIR was lodged against accused Mahendra Shahi and three others in relation to the offences punishable under Sections 401, 328, 379, 411 IPC on 14th February, 2012 at P.S. Kotwali Nagar, Haridwar.

3. The allegation against the accused is that he administered stupefying drug to the fellow travelers. He was also found in possession of 20 Larajepam tablets. At present, this Court is not entering into the allegations relating to NDPS Act against the accused because learned

Sessions Judge, Haridwar has disposed of the application of accused / applicant in respect of case crime no. 146 of 2012 only.

4. It is submitted on behalf of learned counsel for the accused / applicant that no such incident took place. Present accused as also fellow travelers – they all belonged to Nepal. A copy of the order dated 24.05.2012 passed in bail application of co-accused Hemant Shahi (Bail Application No. 605 of 2012) has been placed before this Court to show that similarly situate accused has been ordered to be enlarged on bail by this Court on 24.05.2012. He has no previous criminal history. Learned counsel for the accused / applicant has, however, no objection if a condition is imposed while granting bail that the accused shall furnish local sureties.

5. Considering the facts and circumstances enumerated as above, a case of bail is made out in favour of accused / applicant.

6. Accordingly, the bail application of the applicant Mahendra Shahi is allowed. Let the applicant Mahendra Shahi be released on bail on his executing a personal bond and furnishing two local sureties, each of the like amount to the satisfaction of the Chief Judicial Magistrate, Haridwar.

(U.C. Dhyani, J)

24.05.2012

Sanjay