

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

ORIGINAL JURISDICTION

First Bail Application No. 33 of 2013

Order on the Bail application of accused.

CRIMINAL SIDE

Aamir Hussain S/o Kallan,
R/o Lambakhera,
Police Station Rudrapur,
District Udham Singh Nagar.

..... Applicant (In Jail)

Versus

State of Uttarakhand

.....Opposite party

Arising out of F.I.R. No. 127 of 2012,
Under Section 417, 419, 467, 468 and 471 I.P.C.,
Police Station Pantnagar,
District Udham Singh Nagar.

Dated: January 31, 2013

Hon'ble V.K. Bist, J.

Mr. M.K. Ray, learned counsel for the accused/ applicant.

Mr. Sudhir Kumar Chaudhary, Addl. Government Advocate for
the State.

Heard learned counsel for the parties.

It is alleged against the accused/applicant that he signed surety bond of Aslam s/o Budha. Aslam was the accused in a case registered as FIR No. 56/2012 for the offences under Section 3,5,11 of Uttarakhand Protection of Cow Progeny Act, 2007 but, in fact, one Ram Prakash s/o Budhi was inside jail in place of Aslam and due to this reason the applicant was arrested for committing offences under Section 417, 419, 467, 468 and 471 I.P.C.

Learned counsel for the applicant submitted that he was surety of Aslam and bonafidely signed upon the bond papers. He never knew that in place of Aslam, Ram Prakash was inside the jail. It is also submitted that at no point of time, the applicant recognized Ram Prakash as Aslam. It is also submitted that the applicant is in jail since last about three months and he will not misuse the bail.

On the other hand, learned Addl. G.A. opposed for grant of bail.

Having heard learned counsel for the parties and after perusal of the material available on the record and without expressing any

opinion about the merits of the case, this Court is of the view that the applicant deserves bail at this stage.

Let the accuse/applicant Aamir Hussain be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

(V.K. Bist, J.)
Vacation Judge
31.01.2013

NCM: