

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

ORIGINAL JURISDICTION

First Bail Application No. 1682 of 2012

Order on the Bail application of accused.

CRIMINAL SIDE

1.Hariom S/o Sri Dayaram,
2.Raju @ Ravi S/o Sri Mukhram,
3.Kuldeep S/o Sri Roop Singh,
4.Hemraj S/o Sri Jagdish

All resident of village Aliyarpur,
P.S. Afzalgarh, Tehsil Dhampur,
District Bijnore (U.P.)

..... Applicants (In Jail)

Versus

State of Uttarakhand

.....Opposite party

Arising out of Case Crime No. 220 of 2012,
Under Section 457, 380 and 411 I.P.C.,
Police Station Jaspur, Tehsil Jaspur,
District Udham Singh Nagar.

Dated: January 31, 2013

Hon'ble V.K. Bist, J.

Mr. Jitendra Chaudhary, learned counsel for the accused/
applicants.

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

Heard learned counsel for the parties.

The accused/applicants, who are in jail in connection with case
crime no.220/2012, relating to offences punishable under Section
457, 380 and 411 I.P.C., Police Station Jaspur, District Udham Singh
Nagar, have sought their release on bail.

As per the first information report, in the intervening night of
9/10.11.2012, 196 bags of sugar were stolen from the godown of
Nadehi Sugar Mill, Jaspur. According to the prosecution, 17 quintals
sugar was recovered from the possession of applicants and other
accused persons, when they were going to sell the stolen sugar in
Dhampur area.

Learned counsel for the applicants contended that the
applicants are not named in the F.I.R. It is further contended that in
relation to the same incident two FIR's were lodged i.e. one with

police station Jaspur, which is present case, and the second with police station Afzalgarh under Section 307 I.P.C. and in respect of F.I.R. lodged at P.S. Afzalgarh under Section 307 IPC, the applicants have been granted bail by the Sessions Judge, Bijnore. It is also pleaded that the applicants are in jail since 10.11.2012.

It is further pleaded that the co-accused Mohammad Hanif has already been granted bail by this Court vide order dated 17.01.2013 and on the basis of parity, the applicants also entitled to 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 applicants deserve bail at this stage. The bail application is allowed.

Let the accuse/applicants, namely, Hariom, Raju @ Ravi, Kuldeep and Hemraj be released on bail on their executing personal bonds and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

Urgency application (IA No.420/2013) stands disposed of.

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

NCM: