

C482 No.1463 of 2013
Hon'ble V.K. Bist, J.

Mr. Bhuwanesh Joshi, Advocate for the petitioners.

Mr. R.K. Sah, A.G.A. with Mr. K.S. Rangarh, Brief Holder for the State.

Heard learned counsel for the parties.

Learned counsel for the petitioners, in view of the judgment of the Apex Court in the case of *K. Neelaveni vs. State represented by Inspector of Police and others* reported in (2010) 11 SCC 607, seeks permission to withdraw this petition with liberty to raise all the factual and legal points before the learned Magistrate, seeking discharge at the appropriate stage.

Learned counsel, however, submits that petitioners shall appear/surrender before the learned Magistrate in compliance of the cognizance/summoning order on or before 15.01.2014, and shall move application seeking regular bail. Learned counsel further submits that in view of the judgments of this Court in the cases of *Hari Gupta and another Vs. State of Uttarakhand and others*, WPCRL No. 758 of 2013, decided on 26.06.2013 and *Ist Bail Application No. 982 of 2013*, *Smt. Reena Vs. State of Uttarakhand* decided on 12.08.2013, petitioners should not be arrested and sent to judicial custody and the learned Magistrate, may be directed to decide the bail application on the same day.

Permitted to be withdrawn with the aforesaid liberty.

However, petitioners shall appear/surrender before the concerned Magistrate, on or before 15.01.2014 pursuant to the cognizance/summoning order in question as stated by the learned counsel for the petitioners.

In the event of moving bail application by the petitioners, same shall be decided, if possible, on the same day. If for any reason, application is posted for future hearing, petitioners shall be enlarged on interim bail till final decision is taken on the regular bail application.

However, it is made clear, if petitioners fail to appear/surrender till 15.01.2014 before the learned Magistrate, the learned Magistrate shall be at liberty to proceed against the petitioners in accordance with law.

Let a copy of this order be forwarded to the learned concerned Magistrate, immediately.

Let a certified copy of the order be supplied to the learned counsel for the parties, within 48 hours, on payment of usual charges.

Arpan

(V.K. Bist, J.)
31.12.2013