

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
Original Jurisdiction
1st Bail Application No. 906 of 2015
Order on bail application of the accused

Criminal Side

Nitin alias Tony	Vs	... Applicant (in jail)
State of Uttarakhand		... Opp. Party

Hon'ble Sudhanshu Dhulia, J.

Heard Mr. Raj Kumar Singh, learned counsel for the applicant, Mr. P.S. Saun, Additional Advocate General with Mr. Kuldeep Singh, Brief Holder for the State and perused the record.

The applicant is in jail being implicated in Case Crime No. 449 of 2014, which has been registered under Sections 363, 366A and 376 of I.P.C. and 3/4 POCSO Act, P.S. Kotwali Jawalapur, District Haridwar.

The prosecutrix – Komal in her statement under Section 164 of Cr.P.C. has not said anything, i.e. either about kidnapping or sexual assault, against the present applicant. The medical examination of the prosecutrix, which was conducted immediately after her recovery, does not reveal any injury nor does it show any sexual assault. The applicant is in jail since 06.01.2015.

Considering the overall facts and circumstances of the case as well as on the basis of the evidence available on records, the applicant has been able to make out a case for bail. The bail application is accordingly allowed.

Let the applicant (Nitin @ Tony) be enlarged on bail in the aforesaid crime on his executing a personal bond

and two reliable sureties of the equal amount, to the satisfaction of the court concerned.

It is made clear that any observations made by this Court are only for the purposes of grant of bail. It shall not be taken into consideration at all in any other proceedings.

(Sudhanshu Dhulia, J.)

31.07.2015

ASWAL