

BA1 No.498 of 2017

**Hon'ble V.K. Bist, J.**

Mr. I.D. Paliwal, Advocate for the applicant.

Mrs. Geeta Parihar, Brief Holder for the State of Uttarakhand.

Heard learned counsel for the parties.

The applicant has moved this bail application seeking regular bail in connection with FIR No.353 of 2016, for the offences punishable under sections 354(A), 354(B), 452, 323 of IPC and 7/8 of Protection of Children from Sexual Offences Act, 2012 P.S. Ramnagar, District Nainital.

Learned counsel for the applicant submitted that applicant and the informant are the resident of same vicinity and there exist animosity between the parties. He submitted that the applicant has falsely been implicated in the instant crime; he has no criminal history; he is languishing in jail since 12.11.2016. He submitted that no prima facie case under Sections 354(A), 354(B), 452, 323 IPC and 7/8 of Protection of Children from Sexual Offences Act 2012 is made out against the applicant. He submitted that there is no chance of tempering with the documentary evidence as investigation has already been completed and the charge sheet has already been submitted. He submitted that applicant is ready to furnish adequate surety if he is released on bail.

Having considered the submission of learned counsel for the parties and without expressing any opinion as to final merits of the case, this Court is of the view that applicant deserves bail.

Accordingly, the bail application is allowed. Let the applicant Irfan be released on bail on his executing personal bond and furnishing two reliable sureties, each of the like amount to the satisfaction of the Magistrate concerned.

**(V.K. Bist, J.)**

28.12.2017

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