

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

ORIGINAL JURISDICTION

Dated: Nainital: August 31, 2018

First Bail Application No. 1558 of 2018

Order on the bail application of accused.

Criminal Side

Vishal

..... Applicant

Versus

State of Uttarakhand

..... Respondent

Hon'ble Sudhanshu Dhulia, J. (Oral)

Heard Mr. Mohd. Safdar, Advocate for the accused applicant, and Ms. Pushpa Bhatt, Deputy Advocate General, for the State.

The applicant is in jail having been implicated in Case Crime No. 239 of 2018 for the offences under Sections 380 and 411 IPC registered in the Police Station Bhagwanpur, District Haridwar.

Learned Counsel for the applicant submitted that the applicant has been falsely implicated in the present case. He further contended that the alleged incident happened on 2.7.2018, but the FIR could be lodged on 5.7.2018 against the unknown persons. He also contended that there is no independent public witness of the alleged recovery and the applicant has no previous criminal history and he is in jail since 5.7.2018.

Considering the overall materials presently available before this Court, *prima facie* the applicant has been able to make out a case for bail. The bail application is allowed accordingly.

Let the applicant be enlarged on bail in the aforesaid crime on his executing a personal bond and two reliable sureties, each in the like amount, to the satisfaction of the Magistrate/Court concerned.

It is made clear that any observation made by this Court is only for the purpose of deciding the present bail application and the same shall not be taken into consideration at all in any other proceedings.

(Sudhanshu Dhulia, J.)

31.08.2018

Prabodh