

BAI No. 246 of 2018

Hon'ble N.S. Dhanik, J.

Mr. S.R.S. Gill, Advocate for the applicant.

Mrs. Manisha Rana Singh, A.G.A. for the State of Uttarakhand.

Mrs. Shivangi Gangwar, Advocate for the complainant.

Heard learned counsel for the parties.

This is the first bail application moved on behalf of the applicant seeking regular bail in connection with F.I.R. No. 359 of 2017(Criminal Case No. 4674 of 2017) for the offences punishable under Sections 307 and 34 of I.P.C. registered at P.S. Rudrapur, District Udham Singh Nagar.

Learned counsel for the applicant submits that the applicant has falsely been implicated in the instant crime and is languishing in jail since 06.06.2017. Learned counsel for the applicant also submits that there are three criminal cases against the present applicant in which applicant is already bail out. Learned counsel for the applicant also submits that nothing has been recovered from the possession of the applicant. Learned counsel would further submit that one of the co-accused namely Pravesh Mishra @ Sonu has already been granted bail by a Co-ordinate Bench of this Court on 06.04.2018 and the present applicant is also entitled for bail at least on the ground of parity.

Learned counsel for the complainant opposed the bail application on the ground that the allegations leveled against the applicant shows a heinous nature of offence being committed by him. She further contends that there is cogent evidence available against the applicant and, therefore, his bail application is liable to be rejected.

Considering the facts and circumstances of the case, without expressing any opinion as to the final merits of the case, this Court is of the view that the applicant deserves bail at this stage on the ground of parity. However, the trial Court is directed to expedite the hearing of the trial and conclude the same as early as possible.

The bail application is allowed.

Let the applicant be released on bail, on executing a personal bond and furnishing two reliable sureties, each of like amount, to the satisfaction of Court concerned.

(N.S. Dhanik, J.)

31.07.2019