

Urgency Application No. 13784 of 2019

In

BAI No. 1377 of 2019

Hon'ble N.S. Dhanik, J.

Mr. Mohd. Safdar, Advocate for the applicant.

Mr. J.S.Virk, A.G.A. for the State of Uttarakhand.

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. 296 of 2019 for the offences punishable under Sections 354-A of I.P.C. and under Sections 7/8 of POCSO Act which is further modified as 9(m)/10 of POCSO Act registered at P.S. Kotwali Roorkee, District Haridwar.

Learned counsel for the applicant submits that the applicant has falsely been implicated in the instant crime; has no criminal history and is languishing in jail since 30.04.2019. Learned counsel for the applicant also submits that no specific act of teasing has been mentioned in the F.I.R., and the same has been lodged in a cyclostyle manner. Learned counsel for the applicant further submits that there is no independent witness of the said occurrence and no such allegation is there against the applicant, that he assaulted or used criminal force to the victim to outrage her modesty, so as to constitute an offence under Section 354-A of I.P.C.

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.

The bail application is allowed.

Let the applicant be released from jail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of Magistrate/Court concerned.

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

Urgency application stands disposed of.

(N.S. Dhanik, J.)

31.10.2019