

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 57 of 2020

Saurabh Kumar

.....Applicant

Vs.

State of Uttarakhand

.....Respondent

Hon'ble Alok Kumar Verma, J.

Heard Mr. Navjot Singh, learned Advocate with Mr. Aniket Maini, learned Advocate holding brief of Mr. Harspal Sekhon, learned Advocate for the applicant and Mr. P.S. Bohara, learned A.G.A. for the State of Uttarakhand.

2. Miscellaneous Application No. 1602 of 2020 is allowed. Counter affidavit filed on behalf of the State is taken on record.

3. This First Bail Application is filed for grant of regular bail in connection with F.I.R. No. 0155 of 2019 registered with Police Station Dineshpur, District Udham Singh Nagar for the offences punishable under Sections 420, 467, 468, 471 of IPC.

4. An F.I.R. was lodged on 01.11.2019 against 17 persons. According to the FIR, the Deputy Education Officer received an information that at the time of the examination of Class 12th of National Institute of Open School, some students of Devbandhu Inter College Pipiliya No. 1, Gadarpur were writing answer sheet illegally under the roof of a house. This information was given to the S.D.M., who went to Thana. They all visited the place and found that in the house of the applicant-accused Saurabh Kumar, some people after taking money had allowed the students to give examinations. There were 11 students who were writing the answer sheets. The applicant-accused Saurabh Kumar was the invigilator.

5. Learned counsel for the applicant submits that the applicant is an innocent person; the arrest of the applicant is based on forged, fabricated and concocted story; the applicant-accused has no criminal history; the applicant is a resident of the District Udham Singh Nagar, the applicant is in the custody since 01.11.2019. The learned counsel for the applicant further submits that almost all the accused persons had been granted bail.

6. The learned counsel for the State opposed the bail application, however, the learned counsel for the State admits that the applicant-accused has no criminal history and almost all the accused persons are bailed out.

7. Considering the facts and circumstances of the case, without expressing any opinion as to the merits of the case, this Court is of the view that the applicant deserves bail at this stage.

8. The bail application is allowed.

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

10. Let a certified copy of this order be issued to the learned counsel for the parties today itself, on payment of the prescribed charges.

(Alok Kumar Verma, J.)
Vacation Judge
31.01.2020